

**ORDINANCE NO. 23-2025**

**AN ORDINANCE OF THE CITY OF DELTONA, FLORIDA, AMENDING THE GENERAL ORDINANCES, CHAPTER 66, "TRAFFIC AND VEHICLES," TO UPDATE REGULATIONS RELATED TO PARKING AND VEHICLES; PROVIDING FOR CONFLICTS, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, Article VIII of the State Constitution and Chapter 166, Florida Statutes provide that municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law; and

**WHEREAS**, the City of Deltona as the governing body, pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider changes to its ordinances

**WHEREAS**, the City of Deltona, Florida (the "City"), adopted Chapter 66, "Traffic and Vehicles" within its General Ordinances to establish reasonable and uniform regulations for traffic and parking within the city; and

**WHEREAS**, Chapter 66, "Traffic and Vehicles" shall be amended to update regulations regarding parking, abandoned vehicles, commercial vehicles, and other miscellaneous traffic and vehicle matters; and

**WHEREAS**, the City Commission finds and determines that these modifications are in the best interest of the public health, safety, and welfare of the residents of the City of Deltona.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF DELTONA, FLORIDA, as follows:**

**Section 1. Recitals Adopted.** The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this ordinance upon adoption hereof.

**Section 2. Amendment to the Code of Ordinances.** The City Commission hereby approves and adopts modifications to Chapter 66, "Traffic and Vehicles," of the General Ordinances, as set forth in "Exhibit A" attached hereto.

**Section 3. Conflicts.** Any and all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4. Severability.** If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provision or application of this ordinance which can be given effect without the invalid provision or application.

**Section 5. Codification.** The provisions of this Ordinance shall be codified as and be made part of the Code of Ordinances of the City of Deltona. The sections of this Ordinance may be renumbered to accomplish such intention.

**Section 6. Effective Date.** This Ordinance shall take effect immediately upon its final adoption by the City Commission.

**PASSED AND ADOPTED BY THE CITY COMMISSION OF THE CITY OF  
DELTONA, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.**

First Reading: \_\_\_\_\_

Advertised: \_\_\_\_\_

Second Reading: \_\_\_\_\_

BY: \_\_\_\_\_  
Santiago Avila, Jr., MAYOR

ATTEST:

\_\_\_\_\_  
Joyce Raftery, CMC, MMC, CITY CLERK

Approved as to form and legality  
for use and reliance of the City of  
Deltona, Florida

Name	Yes	No
Avila-Vazquez		
Colwell		
Heriot		
Howington		
Lulli		
Santiago		
Avila		

\_\_\_\_\_  
TG Law, PLLC, CITY ATTORNEY

# Chapter 66 TRAFFIC AND VEHICLES<sup>1</sup>

## ARTICLE I. TRAFFIC AND REGULATIONS<sup>2</sup>

### Sec. 66-1. Title.

This chapter in all its parts shall be known and may be cited as the "Deltona Traffic and Vehicles Ordinance".

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### Sec. 66-2. Scope and purpose.

This chapter shall be effective throughout the City of Deltona. The intent of the city commission in adopting this chapter is to establish reasonable and uniform regulations for traffic and parking within the city.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### Sec. 66-3. Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning indicated unless the context clearly indicated otherwise:

*Abandoned vehicle* means any vehicle or parts of a vehicles which does not have an identifiable owner, and which has been disposed of on public or private property in a wrecked, junked, inoperative or partially dismantled condition.

*Alley* means a street or roadway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

*Arterial street* means any United States or State of Florida numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by the local transportation plan as a thoroughfare street or as part of a major arterial system of streets or highways.

*Bicycle* means ~~every~~ a vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor rated at not more than 200 watts and capable of propelling the vehicle at a speed of not more than ten miles per hour on level ground upon which any persons may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

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32 *Bikeway* means every way, including highways, which is publicly maintained, and which is  
33 in some manner specifically designated as open to public bicycle travel, regardless of whether  
34 the way is designated for exclusive use of bicycles or is to be shared with other transportation  
35 modes.

36 *Business district* means the territory contiguous to and including a highway when, within  
37 any 600 feet along such highway there are buildings in use for business or industrial purposes.  
38 This includes but is not limited to hotels, banks, office buildings, railroad stations and public  
39 buildings which occupy at least 300 feet of frontage on one side, or 300 feet, collectively, on  
40 both sides of the highway.

41 *Code ~~enforcement~~ Compliance ~~e~~Officer* means an officer having duty and responsibility for  
42 initiating enforcement proceedings of the various codes and ordinances of the city. This city  
43 official is charged by law with the authority to issue non-criminal parking citations pursuant to  
44 this article.

45 *Code ~~enforcement~~ Compliance ~~d~~Division* means the City of Deltona, Department of  
46 ~~Enforcement~~ Code Compliance Services, ~~Division of Code Compliance~~, and/or any other  
47 agency of the city designated by the city manager as having code ~~enforcement~~ compliance  
48 responsibilities.

49 *Commercial ~~motor~~ vehicle* means any vehicle which is not owned or operated by a  
50 governmental entity, which uses special fuel or motor fuel on the public highways, and which  
51 has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of  
52 weight, or is used in combination when the weight of such combination exceeds 26,001 pounds  
53 gross vehicle weight, tractor cab, or tractor trailer or truck with a tandem rear axle or a gross  
54 vehicle weight of over 10,000 pounds, or having a length greater than 21 feet, or height greater  
55 than ten feet, or buses used for transporting cargo or passengers for a fee, taxicabs, shuttle  
56 vans, pick-up trucks, utility vehicles, and vans used to transport cargo or equipment for a fee.  
57 Any vehicle with mounted industrial or commercial equipment that is used in the conduct of a  
58 business. Step vans, flatbed and stake bed trucks, wreckers, farm equipment, dump trucks,  
59 earth moving equipment are included as commercial vehicles, however, limousines are  
60 expressly excluded from the definition of commercial vehicle. Also excluded as commercial  
61 vehicles are sport utility vehicles or family vans not utilized for commercial purposes, and  
62 standard manufactured pick-up trucks. Light duty class "A" wreckers are excluded when they  
63 are authorized by the City of Deltona, the Volusia County Sheriff's Office, or the Florida Highway  
64 Patrol for on-call emergency service, but only during the period the operator is actually on call.

65 *Crosswalk* means (1) that part of the roadway included within the connections of the lateral  
66 lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the  
67 absence of curbs, from the edges of the traversable roadway; (2) in the absence of a sidewalk  
68 on one side of the roadway, the part of the roadway included within the extension of the lateral  
69 lines of the existing sidewalk at right angles to the centerline.

70 *Driver* means every person who drives or is in actual physical control of a vehicle.

71 *Emergency repair* means any vehicle which develops a mechanical defect after such  
72 vehicle has commenced to operate en route, making it unsafe or impossible to proceed further.  
73 In such an event, it shall be unlawful to stand or park the vehicle during the time necessary to  
74 make emergency repairs.

75 *Emergency vehicle* such fire department vehicles, police vehicles and ambulances as are  
76 publicly owned, and such other publicly or privately owned vehicles as are designated  
77 authorized emergency vehicles under the provisions of the state vehicle code.

78        *Enclosed buildings* mean a completely enclosed garage or shed. A carport is not  
79 considered an enclosed building for the purposes of this article.

80        *Gore area* means the painted triangular areas in parking areas or lots indicating the end of  
81 a parking row.

82        *Gross vehicle weight* means the weight of a vehicle with load, plus the weight of any load  
83 thereon.

84        *Hazardous materials* mean as defined in § 103 of the Hazardous Materials Transportation  
85 Act (49 App. U.S.C. 1801 et seq.).

86        *Highway, street, road* mean the entire width between the boundary lines of every way or  
87 place of whatever nature that is publicly maintained, when any part thereof is improved,  
88 designated or ordinarily used for purposes of vehicular traffic. The terms street, road, and  
89 highway are synonymous and interchangeable.

90        *Intersection* means (1) the area embraced within the prolongation or connection of the  
91 lateral curb lines, or right angles, or the area within which vehicles traveling upon different  
92 highways, joining at any other angle, may come in conflict; (2) where a highway includes two  
93 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway  
94 by an intersecting highway shall be regarded as a separate intersection. In the event such  
95 intersecting highways also include two roadways 30 feet or more apart than every crossing of  
96 two roadways of such highways shall be regarded as a separate intersection.

97        *Law enforcement officer* means any officer authorized to direct or regulate traffic or to  
98 make arrest or issue citations for violations of traffic laws or ordinances.

99        *Loading zone* means a space reserved for the exclusive use of vehicles during the loading  
100 and unloading of passengers or property.

101        *Motor vehicle or vehicle* means any vehicle which is self-propelled, and every vehicle which  
102 is propelled by electric power obtained from overhead trolley wires, but not operated upon rails,  
103 except vehicles moved solely by human power and motorized wheelchairs.

104        *Official time* means when defining certain hours herein, eastern standard time or eastern  
105 daylight savings time, as may be in current use in the City of Deltona.

106        *Owner* means the requisite owner of a vehicle, as determined by the Florida Department of  
107 Highway Safety and Motor Vehicles or other appropriate agency of the several states.

108        *Park or parking* means the standing of a vehicle, whether occupied or not, otherwise than  
109 temporarily, for the purpose of and while actually engaged in, loading and unloading  
110 merchandise or passengers as may be permitted under this chapter.

111        *Passenger loading zone* means a place reserved for the exclusive use of vehicles while  
112 receiving or discharging passengers.

113        *Pedestrian* means any person afoot.

114        *Person* means any natural person, firm, partnership, association or corporation.

115        *Property* means any real or personal property within the city which is not a street or  
116 highway.

117        *Public service utilities* means truck equipment, trailers and vehicles used by public service  
118 utility companies engaged in repairing or extending public service utilities.

119        *Residence district* means the territory contiguous to and including a highway not  
120 comprising a business district when the property on such highway is in a residential zoning

district, or for a distance of 300 feet or more, is in the main improved with residences, or residences and buildings in use for business.

*Right-of-way* means land dedicated, deeded or used as a street, alley, walkway, boulevard, highway, roadway, or for public utilities, drainage, access for ingress and egress or other public purposes.

*Roadway* means that portion of a highway improved, designed or ordinarily used for vehicular travel, exclusive of the sidewalk, berm or shoulder, even though such sidewalk, berm or shoulder is used by people riding bicycles or other human powered vehicles. In the event a street or highway includes two or more separate roadways, the term "roadway", as used herein, shall refer to any such roadway separately, but not to all such roadways collectively.

*Safety zone* or *parkway* means any area within a street or highway which is not open to the public for purposes of vehicular traffic, lying outside a roadway as herein defined. Also, the roadside clear zone is defined in the Florida Department of Transportation (FDOT) Minimum Standards for Streets and Highways.

*Sidewalk* means that portion of a street between the curb lines, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

*Stand* or *standing* means the halting of a vehicle, whether occupied or not, other than temporarily, for the purpose of and while actually engaged in receiving or discharging passengers as may be permitted under this chapter.

*Stop* or *stopping* means when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or official traffic control device.

~~*Street construction and maintenance* means street construction, maintenance and repair, trucks rollers and implements.~~

*Through street* means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to stop sign, yield sign or other official traffic control device.

*Traffic* means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singularly or together, while using any highway for purpose of travel.

*Traffic control signal/traffic control device* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. Any device indicating regulation of traffic, or whatsoever nature, within the City of Deltona.

*Urban district* means the territory contiguous to and including any street which includes structures devoted to business, industry or, dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more along said street.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including trailers, tractors, campers and recreational vehicles and excepting devices exclusively upon stationary rails or tracks.

All other definitions contained in F.S. ch. 316, not in conflict with the definitions of this section, shall be applicable and are incorporated herein by reference.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

Cross reference(s)—Definitions generally, § 1-2.

#### **Sec. 66-4. Prohibited vehicles.**

(a) It shall be unlawful for any person to operate a vehicle or load a vehicle exceeding eight feet in width or 15 feet of height on any of the streets of the city other than designated state roads, without a special permit from the Volusia County Sheriff's Department or city's police department upon creation of same.

(b) It shall be unlawful for any persons to operate or park a vehicle within the city limits of Deltona without a current and valid license plate and validation sticker affixed to the license plate. This section is not intended to apply if the car is registered with a licensed car dealer operating at a business licensed for the sale of vehicles.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

#### **Sec. 66-5. Manner of parking.**

Where parking is permitted by sign, no person shall ~~stand or~~ park a vehicle in ~~a the~~ roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway. However, except upon on a street which that has been marked or a sign erected for angle parking, ~~a~~ vehicles shall be parked at the angle to the curb indicated by such mark or sign. If no sign is erected there shall be no parking on the roadway.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

#### **Sec. 66-6. Florida Uniform Disposition of Traffic Infractions Act adopted by reference.**

Chapter 318, Florida Statutes, known as the "Florida Uniform Disposition of Traffic Infractions Act", is hereby adopted by the City of Deltona, Florida, and the matters and contents therein in *haec verba*, as fully and completely as if set forth herein.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

#### **Sec. 66-7. Unattended motor vehicle.**

(a) No person driving or in charge of a motor vehicle shall permit it to ~~park stand~~ unattended with the ignition key in the vehicle, whether or not the motor is ~~in use~~ running or keyless.

(b) Whenever any motor vehicle is found standing unattended ~~with ignition key in~~ the vehicle is ~~found~~ in violation of this section, a ~~eCode Compliance enforcement~~ eOfficer or law enforcement officer is authorized to remove such key from the vehicle and to have the vehicle towed.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)



197 **Sec. 66-8. Stopping, standing and parking prohibited in specified**  
198 **places.**

199 No person shall stop, stand, or park a vehicle in any of the following places, except when  
200 necessary to avoid conflict with other traffic or in compliance with the directions of a law  
201 enforcement officer or traffic-control device ~~in any of the following places:~~

- 202 (1) On anything other than site-plan approved parking, including rear and sides of  
203 residential lots, except ~~that where~~ vehicles are permitted by the city zoning ordinance  
204 to be parked in side or rear yards, provided they are ~~may be~~ stored ~~in those yards~~ in  
205 accordance with the requirements of the zoning ordinance;
- 206 (2) On a sidewalk or bike path, or in such a manner that any part of such vehicle ~~is~~  
207 protrudesing over a sidewalk or bike path area;
- 208 (3) In front of a public or private driveway in a manner that obstructs ~~either~~ the driveway  
209 or ~~obstructs the~~ view of other vehicles from the driveway;
- 210 (4) Within an intersection;
- 211 (5) Within 15 feet of a fire hydrant;
- 212 (6) On a crosswalk;
- 213 (7) Within 20 feet of ~~a crosswalk at an intersection, or~~ any crosswalk, unless permitted to  
214 do so by appropriate signs or devices posted in such areas;
- 215 (8) Within 30 feet of any flashing beacon, stop sign, or other official traffic-control  
216 ~~sign device located at the side of a roadway~~, unless a different length is indicated by  
217 signs or markings;
- 218 (9) Between a safety zone and the adjacent curb, or within 30 feet of ~~points on the curb,~~  
219 ~~immediately opposite the~~ ends of a safety zone, unless a different length is indicated  
220 by signs or markings;
- 221 (10) Within 20 feet of the driveway entrance to any fire station, ~~or and~~ on the opposite side  
222 of the street ~~opposite such~~ near a fire station, if prohibited by a sign;
- 223 (11) On ~~the~~ roadway side of any vehicle stopped or parked at the edge or curb of a street  
224 or on the roadway end of any vehicle parked at an angle to the curb or street edge,  
225 except commercial vehicles engaged in loading or unloading from 2:00 a.m. to 7:00  
226 a.m. only;
- 227 (12) Upon any bridge or any elevated structure upon a highway or within a highway tunnel;
- 228 (13) At any place where an official sign prohibits stopping, standing or parking;
- 229 (14) Opposite of a dead-end or job street outside the central business district;
- 230 (15) At any place in such a manner as to block access to commercial refuse containers by  
231 city authorized refuse removal equipment;
- 232 (16) Alongside any curb which has been painted yellow, red or white, unless otherwise  
233 permitted by appropriate signs or devices posted by the city;
- 234 (17) In any parking space specifically designated and marked for the disabled, unless such  
235 vehicle displays a parking permit, or license plate, as required by state law; or in such  
236 a manner as to block or obstruct a wheelchair ramp;

(18) In any parking space marked "Parking for Assigned Personnel by Permit Only", unless such vehicles have affixed to the rear of said vehicle the appropriate decal issued by the city clerk's office;

(19) In a designated bus stop or taxi cab stand, unless the vehicle is a bus or taxi cab respectively;

(20) A person shall not park a vehicle upon private property, ~~whether improved or vacant,~~ without the express or implied permission or invitation of the owner or person in control of the property. Permission or invitation to park on private property may be implied only when the vehicle is parked on the same lot or parcel of land or as a business establishment, and in a developed area that is normally used for parking by patrons or employees of that business, and only when the parking does not violate any parking restrictions clearly noted on a sign or signs in the area where the vehicle is parked;

(21) In an area designated as a fire lane;

(22) On any property owned or controlled by the city not designated for parking, excluding local streets in residential areas. Parking on streets designated as collector streets in the Deltona Comprehensive Plan is prohibited except in those areas that are designated for parking by official act of the city;

(23) In painted safety zones, ~~or~~ gore areas, or roadways within the city, except for emergency purposes. Any vehicle parked in such an area for more than two hours will be towed at the owner's expense pursuant to the provisions of this article;

(24) On the shoulders or medians of Interstate 4 and all state and county roadways within the city limits except for emergency purposes. Any vehicle parked on such a shoulder or median for more than 24 hours will be towed at the owner's expense pursuant to the provisions of this chapter;

(25) On a roadway except where a curb exists or in a cul-de-sac. Except that delivery vehicles, lawn service vehicles and other temporary commercial vehicles may park on a roadway for up to six hours when parked on a roadway while engaged in legitimate business activity;

(26) No parking of any vehicles on undeveloped or vacant parcels.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-9. Stopping, standing, or parking so as not to obstruct traffic.**

No person shall stop, stand or park any vehicle in the street in such a manner ~~or under such conditions as to that~~ leaves available less than ~~ten~~ 24 feet of the width ~~available~~ for free movement of vehicular traffic. The width shall be measured at the curb face, or the edge of pavement where curbs are not present. This restriction shall not apply when ~~of any lane of the roadway for free movement of vehicular traffic, except that~~ a driver may stop momentarily during the ~~actual~~ loading or unloading of passengers or when necessary in obedience to a traffic regulation, a traffic sign or signal, or a law enforcement officer.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

277 **Sec. 66-10. Parking prohibited by sign.**

278 No person shall park a vehicle at any place where an official sign or marking prohibits  
279 parking.

280 (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

281 **Sec. 66-11. Parking prohibited at all times on certain designated**  
282 **streets.**

283 When a sign is erected prohibiting parking, no person shall park a vehicle, at any time,  
284 upon any of the streets or portion of the streets as designated by the city.

285 (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

286 **Sec. 66-12. Overtime parking in parking zones.**

287 (a) It shall be unlawful for any person to cause, allow, permit ~~or suffer~~ any vehicle to be parked  
288 overtime or beyond the period of legal parking time, and any vehicle in any parking zone  
289 longer than the time limit fixed for such zone, by sign or ordinance, shall be considered  
290 illegally parked.

291 (b) It shall be unlawful to relocate a vehicle from one parking space within the same parking  
292 zone, or to relocate a vehicle temporarily from the same parking space, unless the vehicle  
293 has left the parking zone for an amount of time equal to or greater than the legal time limit  
294 for the parking fixed for such zone.

295 (c) It shall be unlawful to roll the tires of a vehicle to remove or obscure, or attempt to remove  
296 or obscure, or to attempt to remove or obscure, the markings made by the parking  
297 enforcement personnel prior to removing the vehicle from the parking zone.

298 (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

299 **Sec. 66-13. Parking for certain purposes prohibited.**

300 No person shall stand or park a vehicle upon a public or private street ~~, public or private~~  
301 parking lot, or any other public property for the purposes of:

- 302 (1) Displaying such vehicle or item towed by or placed upon such vehicle therein for sale,  
303 hire or rental;
- 304 (2) Painting, greasing or repairing such vehicle, except repairs necessitated by an  
305 emergency;
- 306 (3) Displaying advertising;
- 307 (4) Selling merchandise from the motor vehicle, except in a duly established market place  
308 or when so authorized under the laws of the city.

309 (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

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## Sec. 66-14. Stopping, standing or parking for loading only.

No person shall stop, stand or park a vehicle in any place marked as a passenger zone for a period of time longer than the time indicated by signs or other appropriate marking or devices.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## Sec. 66-15. Standing or parking of buses and taxicabs.

The driver of a bus, or taxicab shall not stand or park upon any street, at any place other than a bus stop, or taxi stand, respectively. However, this provision shall not prevent the driver of such vehicle from temporarily stopping, in accordance with other stopping or parking regulations, at any place for the purpose of, and while actually engaged in, loading or unloading passengers.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## Sec. 66-16. Parking on parkways~~right-of-ways~~.

For the purpose of this section, "right-of-way" is defined as that area from the property line to the edge of the pavement of a roadway, including any grassy or unpaved median between two paved areas. It shall be unlawful for any person to park any motor vehicle in or on thea right-of-way unless the-a motor vehicle is parked headed in the direction of traffic. It shall be unlawful for any person to park any motor vehicle in or on a right-of-way for more than two days in a seven-day period whether occupied or not, except momentarily to pick up or discharge a passenger(s), or while actually engaged in loading or unloading merchandise.-

### *Exceptions:*

(1) Motor vehicles owned and operated by the city, by a public or private utility, or by the county, state or federal government when such vehicles are engaged in the performance of work by employees of said agencies in the course and scope of their employment. Ambulances used for necessary emergency service to the public, the operator of such vehicles being subject to call at all times of the day or night may also be parked where otherwise prohibited in the various zoning districts at the residence of such operator, but only one such vehicle may be so parked.

(2) Parkway-Right-of-way areas which have been officially designated or posted by the city as permissible areas for parking.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 21-2007, § 1, 6-2-2008)

## Sec. 66-17. Unlawful parking in spaces for disabled; penalties.

Violation of either F.S. § 316.195<sup>65</sup> "Enforcement of parking requirements for persons who have disabilities"~~Parking spaces provided by governmental agencies for certain disabled persons~~, F.S. § 316.195<sup>66</sup> "Parking spaces provided by non-governmental entities for certain disabled persons", or article I, section 66-8, subsection (17) of this article shall be punishable by a fine of up to \$250.00, and in accordance with the provisions of this Code, in addition to any other penalty which may be lawfully imposed under Florida Statutes.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## Sec. 66-18. Restrictions on trucks and other vehicles.

- (a) No vehicles greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial ~~drivers~~driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in ~~agricultural~~ areas on ~~developed~~ lots of five acres or more. Vehicles that are inoperable or that do not have a current and valid license plate and validation sticker affixed to the license plate are prohibited within the city, unless stored in a completely enclosed structure. For vehicles under 10,000 pounds GVWR that have been modified with equipment or attachments (such as utility beds, cranes, lifts, tanks, or racks) which increase the overall dimensions, height or functional weight of the vehicle, the City may enforce parking and storage restrictions as if the vehicle exceeds the 10,000 pound threshold. Verification of GVWR, CDL requirements, and registration status shall be confirmed through the Florida DAVID (Driver and Vehicle Information Database) system or manufacturer's compliance label.
- (b) No vehicle greater than 10,000 pounds manufacturer's gross vehicle weight or designated to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any commercial zoning district except ~~vehicles parked for less than two hours,~~ vehicles parked for loading and unloading purposes only, vehicles that are parked at a business that are registered for use by the business and are necessary and appropriate for the operation of the business or any vehicle with written permission from the property owner, manager or agent. Commercial vehicles under 10,000 pounds GVWR that have been modified with substantial equipment or attachments are subject to the same restrictions as vehicles exceeding 10,000 pounds GVWR. Verification shall be conducted through the DAVID system or manufacturer's compliance label.
- (c) No vehicle with external refrigeration units may operate said units when parked within the residential and agricultural zoning districts.
- (d) No back-up noise alarms may operate between the hours of 10:00 p.m. and 7:00 a.m.
- (e) No vehicles may be parked or stored in the front yard forward of the edge of the principal dwelling except on the approved driveway or driveway extension.
- (f) Except as provided in subsection (g) below, no commercial vehicle may be stored or parked in the front yard forward of the edge of the principal dwelling (to include approved driveways.) Vehicles under 10,000 pounds manufacturer's gross vehicle weight but greater than 21 feet in length and/or greater than ten feet in height or modified with equipment or attachments that increase their effective size, must be stored in the side or rear yard.
- (g) One commercial vehicle under 21 feet in length, under ten feet in height and with a gross vehicle weight of less than 10,000 pounds, or one limousine, shall be permitted to be parked or stored in a residential or agricultural area, in the driveway or approved driveway extension, side yard or rear yard, provided said vehicle does not obstruct the sidewalk or extend into the right-of-way. Trailers must be stored in the side or rear yard and must be parked in accordance with section 66-19. This exception does not apply to vehicles under 10,000 pounds GVWR that have been modified with substantial equipment or attachments

that effectively increase the vehicle's functional weight, size or commercial impact. DAVID system verification shall be used to confirm compliance.

- (h) A maximum of ~~two~~ three vehicles may be parked in side or rear yards.
- (i) All vehicles parked or stored on property must be registered or assigned to the resident or their temporary guest.
- (j) Except as provided below, no vehicle repairs or maintenance shall be done at a location not zoned and properly licensed for vehicle repair activities. Vehicles may be repaired incidental to a primary use of a residential premises so long as the vehicle being repaired is owned by an occupant of the premises, and the registration of the vehicle must reflect the address at which the repairs or maintenance are being done. Such repairs and maintenance must be completed in less than eight hours, and may occur only between the hours of 7:00 a.m. to 7:00 p.m.
- (k) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.
- (l) Exclusions: Conversion vans with handicapped stickers whose corresponding licensed driver is a resident of the principal dwelling are specifically excluded from these standards. Sport-utility vehicles (SUV's) or pick-up trucks for personal use that have no commercial advertising and do not otherwise meet the definition of commercial vehicle may be parked in the driveway.
- (m) Notwithstanding any provision to the contrary, vehicles over 10,000 pounds equipped with accessibility devices (e.g., wheelchair lifts, etc.) shall be permitted in accordance with this Section if reasonably necessary for and/or related to the use of the subject property and shall not count against any vehicle storage maximums.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 12-00, § 2, 8-7-2000; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 21-2007, § 2, 6-2-2008; Ord. No. 10-2011, § 1, 6-20-2011)

## **Sec. 66-19. Recreational vehicles and mobile recreational shelters.**

- (a) Mobile recreational shelters and vehicles, other camping type vehicles excluding pickup covers when appropriately mounted on a vehicle, boats, boat trailers, utility trailers, and other trailers are permitted to be parked on any lot within the A, R1-R1AAA, R1B, RE1, RE5, RM1, RM2, the single- and two-family residential areas of RPUD, MPUD and the MH classifications provided the following conditions are met:
  - (1) A maximum of ~~two~~ three vehicles, with no more than one vehicle being a Class A, B or C motor home or fifth wheel recreational vehicle, may be parked in the side or rear yard. The total number of vehicles permitted may vary depending on the size of the lot, at the discretion of the zoning administrator. They Vehicles shall have a current license plate or validation sticker, and the ground area beneath such vehicles shall be kept free from debris, including excessive weed growth.
  - (2) They may be temporarily parked in the driveway of the principal structure on the lot where they are located for trip preparation, loading, unloading and cleanup for a maximum of two days in a seven-day period.
  - (3) They shall not be parked or stored either within a public right-of-way, or within that portion of the lot lying across the full width of the lot between the front lot line and front



most part of the principal structure, except as provided for by paragraph (2) above and paragraph (6) below.

(4) No sewage shall be permitted to escape from such vehicles onto a lot or street.

(5) Such vehicles shall not be connected to water or sewer lines or be used for residential purposes.

(6) Motor vehicles commonly referred to as vans that have been converted to a recreational vehicle by a licensed recreational vehicle manufacturer by installation of 110-volt electrical wiring, LP gas piping, or a plumbing system consisting of a permanently attached water using toilet facility may be parked in the driveway of the principal structure on a lot when the occupant of the principal structure has a disability which may require the above facilities to be incorporated in a motor vehicle, and if the occupants have received a handicapped parking decal from the State of Florida for the vehicle.

(b) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.

(c) On corner lots, no vehicles or equipment shall be parked or stored in any part of the required side yard abutting any street unless parked or stored at least 20 feet from the street right-of-way.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 21-2007, § 3, 6-2-2008)

## **Sec. 66-20. Residential parking.**

In the R, MF, and PB districts when used only for single- or two-family residential uses, motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the front most part of the principal structure, except on approved driveways or driveway extensions. Automobiles and other permitted vehicles are to be parked in designated off-street parking areas for all other uses within these districts.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-21. Removal and impounding of illegally parked, abandoned or disabled vehicles.**

(a) Code ~~enforcement~~ Compliance Officers of the city who have received training in the issuance of traffic citations and in correcting parking offenses, or officers of the Volusia County Sheriff's Department, or the city's police department upon creation of same, are hereby authorized, upon their own volition or upon receiving a request from a ~~Ceode~~ ~~Complianceenforcement-e~~ Officer of the city, to remove any vehicle within the city, to a public garage or other place of safety, at the owner's expense, under the circumstances hereinafter enumerated:

(1) *When any vehicle is left unattended:*

a. On a sidewalk;

b. In front of a public or private driveway;

c. Within 15 feet of a fire hydrant or in a fire lane;

- d. Within an intersection;
- e. On a crosswalk;
- f. Between a safety zone and the nearest curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the city has indicated a different length;
- g. In a space designated for emergency vehicles only;
- h. Within 20 feet of a driveway entrance of fire station and, if prohibited by a sign, on the side of a street opposite such station;
- i. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct traffic and is prohibited by sign;
- j. Any place where official signs prohibit parking, standing or stopping and the vehicle is obstructing traffic or otherwise creating a safety hazard;
- k. In a city off-street parking facility for any period of time longer than 24 hours, or upon any street longer than 72 hours;
- l. Upon any bridge, elevated structure, viaduct, causeway, tube or tunnel, where such vehicle is obstructing traffic or otherwise creating a safety hazard;
- m. For more than two hours in a painted safety zone on roadways within the city;
- n. For more than 24 hours on the shoulder or median of Interstate 4 or state roadways within the city limits;
- o. Parked and advertised for sale on any public property or public right-of-way after posting a warning on such vehicle at least 24 hours in advance of towing, or 12 hours if the vehicle is in parked in violation of paragraph (d), or immediately when such vehicle for sale is parked on the I-4 right-of-way, or when such vehicle is obstructing traffic or otherwise creating a safety hazard.

p. Vehicles greater than 10,000 pounds manufacturers gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement may be towed immediately.

q. Mobile recreational shelters and vehicles, other camping type vehicles, boats, boat trailers, utility trailers, and other trailers may be towed after 24 hours of posting on a vehicle.

- (b) When any vehicle is obstructing traffic or otherwise creating a safety hazard and the person in charge of the vehicle is absent, or by reason of physical injury or condition, in incapacitated to such an extent as to be unable to provide for its custody or removal.
- (c) When any vehicle is parked on any parking facility or area designated or used in connection with city, fire station or other facilities of the city violation of the posted signs and the permitted use.
- (d) When any vehicle remains stopped or parked on any property owned or controlled by the city, not designated for parking, for a period of longer than 12 hours.
- (e) A safety hazard is hereby declared by the city commission of the city to exist whenever all or any a portion of a vehicle is parked within the area occupied by the pavement of a road, street or alley, or within four feet of the curb on any of the following designated roads, or on the publicly owned right-of-way within ten feet of the edge of pavement of such roads when there is no curb. This paragraph applies to the following roads: Catalina Boulevard north of



Howland Boulevard, Courtland Boulevard, Deltona Boulevard, Doyle Road/DeBary Avenue, Elkcarn Boulevard, Enterprise Road, Ft. Smith Boulevard, Howland Boulevard, Interstate Highway 4, India Boulevard, Lake Helen/Osteen Road, Lake Shore Drive, Newmark Drive between Ft. Smith Boulevard and Howland Boulevard, Normandy Boulevard, Providence Boulevard, Saxon Boulevard, State road 415, and Tivoli Street. This paragraph does not apply to areas designated and marked or signed by the city for parking along the herein listed roads.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-22. Removing, impounding and immobilization of vehicles bearing outstanding citations.**

The removal, impoundment and immobilization of vehicles bearing outstanding citations shall be done in accordance with Florida Statutes and as follows:

- (1) Any motor vehicles found parked at any time upon any street or in any off-street parking facility in the city against which there are five or more outstanding or otherwise unsettled parking violations notices for which no hearing has been requested within the requisite time period, and for which a notice of summons has been mailed, may by or under the direction of the Volusia County Sheriff's Department, city police department or Deltona Code Enforcement Division, be immobilized in such a manner as to prevent its operation. Immobilization of vehicles pursuant to this section shall be accomplished by means of a vehicle immobilization device or another non-destructive device which prevents the vehicle from moving under its own power. Vehicles shall only be immobilized by means of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.
- (2) If, after contacting the appropriate state agency which acts as custodian of vehicle registration and license tag records for the state from which the license tag attached to the motor vehicle was issued, the city code enforcement officer or Volusia County Sheriff's Department, or city police department is unable to determine the motor vehicle owner's address, the motor vehicle may be immobilized in accordance with the provisions of the preceding subsection 66-22(1), except it shall not be necessary for the city code enforcement officer or Volusia County Sheriff's Department to mail notice of summons before the motor vehicle may be immobilized.
- (3) It shall be the duty of the department or law enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:
  - a. Such vehicle has been immobilized pursuant to and by the authority of this article; and
  - b. The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon compliance with either of the following alternative procedures:
    1. Payment to the city of a service charge of \$50.00 for removal of the immobilization device; or

2. Posting with the city of a cash or surety bond or other adequate security equal to the amount of \$50.00. If, during the hearing on the outstanding parking violation notices which necessitated the immobilization of the vehicle, the city prevails on any or all of the outstanding violations, the \$50.00 cash or surety bond shall be forfeited to the city.
- (4) The notice shall be signed by the law enforcement officer or the code enforcement officer and indicate his/her identification number.
- (5) It shall be unlawful for anyone, except those persons authorized by the city code enforcement officer, city police department, upon creation, or Volusia County Sheriff's Department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.
- (6) Any vehicle immobilized as authorized under this article shall be subject to impoundment as authorized by Florida Statutes and the provisions of this article.
- (7) Impoundment of vehicles pursuant to this section shall be accomplished by means of removal of the vehicle to the nearest facility or other place of safety, or to a facility designated or maintained by the municipality. Such vehicle shall be impounded until lawfully claimed, and if not claimed within 30 days after it has been impounded by the city, it shall be disposed of in accordance with applicable ordinances, rules and regulations of the city. If any such vehicle is lawfully claimed, within the aforesaid time, it shall be released only upon payment in cash for all cost of impounding, including but not limited to, towing and storage as well as all payment in cash of all outstanding fines and citations.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-23. Storage, costs and removal of impounded vehicles.**

When a vehicle is removed under this chapter, notice of storage and costs shall be sent to the vehicle owner within seven days via certified mail, return receipt requested, pursuant to the provisions of F.S. § 713.78.

- (1) *Owner responsibility.* The cost of towing, booting or removing a vehicle impounded or immobilized under this section and the cost of storing the same or removing the immobilization device, shall be chargeable against the vehicle owner and shall be a lien upon the vehicle. The owner of the vehicle shall pay these charges and any outstanding parking tickets, administrative delinquency or collection fees owed, before the vehicle will be released. The vehicle shall be stored in a private place and the towing and/or storage charges shall be that which is set by the private towing company. All of such charges shall be the responsibility of the vehicle owner.
- (2) *Notice to owner.* Upon taking possession of any vehicle, as provided in this section, the towing company shall follow guidelines set forth in F.S. § 715.05 regarding notification of owner, upon towing or removing a motor vehicle. Notification shall be by certified mail, return receipt requested, and shall notify the owner and all lien holders of the location of the vehicle and the fact that it is unclaimed. Notice shall be given within seven days, excluding Saturday and Sunday, from the date of storage and shall be complete upon mailing. If the state of registration is unknown, a good faith best effort to notify the owner shall be made, and such notice shall be given within a reasonable period of time from the date of storage.

(3) *Recovery.* The registered owner of a towed, impounded or immobilized vehicle shall be entitled to recover such vehicle only after making payment for the charges and expenses for the cost of towing or immobilizing such vehicle, plus the cost of storage and any outstanding parking tickets, administrative delinquency or collection fees owed of such vehicle herein specified. The registered owner of such vehicle shall be responsible for paying the charges and fine(s) as herein provided whether or not such registered owner was the person who unlawfully parked or left standing such vehicle and in each instance the Volusia County Sheriff's Department, city police department or code enforcement officer shall require payment of the sums herein provided for before restoring possession of such vehicle to the registered owner.

(4) *Sale of unredeemed vehicles.* If an impounded vehicle is not claimed and all charges paid within 30 days after a law enforcement officer or code enforcement officer has taken possession of such vehicle, an action may be commenced in the county court, or in any other court, by the city attorney in the name of the city, as plaintiff, and against the name of the owner, as defendant, for the amount of the charges due, plus attorney's fees and costs incurred in the action. Upon judgment being obtained in favor of the city, the vehicle may be levied upon and sold for the purpose of satisfying the judgment.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

#### **Sec. 66-24. Notice of owner's claim for loss or damage to immobilized vehicle.**

At the time of the release to owner of a vehicle immobilized under this chapter, the owner of such vehicle or other duly authorized person, shall inspect the vehicle and shall give a receipt to the code enforcement officer, Volusia County Sheriff's Department, city police department, upon creation of same, or their appointee reciting any claims the owner has for loss or damage to the vehicle.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

#### **Sec. 66-25. Stopping, standing or parking in more than one space.**

Any person who stops, stands or parks a vehicle in more than one space allotted for stopping, standing or parking shall pay the appropriate fee or fines for the number of spaces utilized, as set forth in "schedule of penalties," article I, section 66-33.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

#### **Sec. 66-26. Fire lanes on private property devoted to public use.**

(a) Fire lanes shall be established by the fire marshal on private property, devoted to public use, where the parking of motor vehicles or other obstruction may interfere with ingress and egress of fire department vehicles for the protection of persons or property, such as shopping centers, bowling lanes, theaters, hospitals, churches, private alleys, and similar locations.

(b) Marking of fire lanes designated by the fire marshal shall be done by the owner or lessee of the private property. Fire lane pavement markings and signs shall be of a type and

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- constructed to conform with the city's land development code and be furnished and erected by the owner or the lessee of the private property.
- (c) Parking of motor vehicles within or otherwise obstructing of fire lanes shall be prohibited at all times.
- (d) Any vehicle found parked in a fire lane shall be ticketed with a parking ticket, by the city. The fine for parking in a designated fire lane shall be \$30.00, with \$5.00 of that fine to be used for fire department training programs.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-27. Liability for payment of parking ticket violations.**

Under authority of F.S. ch. 316, the owner of a vehicle is responsible and liable for payment of any parking violation under this ordinance unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, stolen or in the care, custody or control of another person, or under lease. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the director of enforcement services, an affidavit setting forth the name, address and driver's license number of the person or company who leased, rented, or otherwise without authority had the care, custody or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle shall not be held responsible for parking violations for a vehicle which was stolen, under lease, or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. Prima facie evidence that the vehicle involved was, at the time, stolen, under lease, or in the care, custody or control of some person who did not have permission of the owner to use the vehicle, shall be in the form of a report from the appropriate law enforcement official that the said vehicle was stolen or under lease or not under the care, custody or control of the owner of the vehicle.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 1, 6-2-2008)

### **Sec. 66-27.1. Parking violation notice.**

- (a) Any law enforcement officer, code enforcement officer or other designated official is empowered to issue a parking violation notice (parking ticket/citation) upon personal observation of a violation or violations of the parking regulations set forth in this chapter.
- (b) The provisions of this chapter are an additional and supplemental means of enforcing this chapter, and code compliance officers may elect to enforce this chapter as provided in chapter 2 of the Deltona Code of Ordinances, or in any manner not otherwise prohibited by state law.
- (Ord. No. 24-99, § 1, 11-2-1999; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 2, 6-2-2008)

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## **Sec. 66-27.2. Computer tracking of violations.**

The City of Deltona shall supply the Florida Department of Highway Safety and Motor Vehicles with a list of persons who have three or more outstanding parking violations, or one or more outstanding violations of F.S. §§ 316.1955, 316.1956, or any city ordinance which regulates parking in spaces for persons with disabilities. The information may be supplied to the Florida Department of Highway Safety and Motor Vehicles in any communications format approved by it or by state statute.

(Ord. No. 24-99, § 1, 11-2-1999; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 3, 6-2-2008)

## **Sec. 66-28. Procedure upon issuance; procedure upon non compliance with parking violations notice.**

- (a) If any person, summoned by a parking violation notice affixed on a motor vehicle, does not respond to such notice within the time period specified on such notice, then the code enforcement officer shall assess the appropriate delinquent fee per violation against the registered owner of the motor vehicle.
- (1) Payment of the fine indicated on the [parking](#) citation may be remitted to the City of Deltona pursuant to the instructions on the [parking](#) citation; or
- (2) A hearing before the city's special magistrate may be requested by the person receiving such citation or by the vehicle's registered owner for the purpose of presenting evidence concerning a parking violation. Any person requesting a hearing shall execute, at Deltona City Hall, a form approved by the city indicating his or her willingness to appear at such hearing. Any person who requests a hearing will be summoned to appear at a hearing before the city's special magistrate. Any person who requests a hearing and does not appear in accordance with the summons shall waive the right to contest the parking violation.
- (b) An election to request a hearing on the parking violation notice constitutes a waiver of the right to pay the civil penalty indicated on the parking violation notice; and the city's special magistrate, after said hearing, upon making a determination that a parking violation has been committed, may impose an additional administrative fee in the amount of \$25.00 for each violation.
- (c) If there has been no response to the parking citation pursuant to subsection (a), the city shall cause the registered owner of the vehicle listed on the citation to be notified of the issuance of said citation. Such notification shall be sent by regular U.S. mail to the address given on the motor vehicle registration. Mailing the notice to the address constitutes notification. The notification shall inform the registered owner of the date and location of the parking violation and the amount due. If the registered owner of the vehicle has not paid the penalty after 30 days, the city shall undertake to collect the amount due by any means provided for by ordinance or by any other means provided for by law.
- (d) Submission to collection agency. Parking tickets remaining unpaid after 60 days shall be forwarded to a collection agency. Such collection fees shall be added to the unpaid balance.

- (e) Presumption as to driver of vehicle. In any proceeding, or in the collection of any fine for violation of this article, the registration plate displayed on the vehicle shall raise a presumption that the registered owner of the vehicle was the person who parked, placed or left the vehicle at the point where the violation occurred. This presumption may be rebutted by competent evidence.
- (f) A violation of this section 66-28 shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 24-99, § 2, 11-2-1999; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 4, 6-2-2008)

### **Sec. 66-29. Failure to obey notice; alteration or destruction of notice prohibited.**

- (a) It shall be unlawful for the responsible party, as defined in section 66-27 to neglect to answer to the charge set forth in a parking violation notice affixed to a motor vehicle by a law enforcement officer or a code enforcement officer.
- (b) The notice referred to in subsection (a) of this section, a parking violation notice, is the property of the city before and after the serving, delivery and affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the same to a motor vehicle, shall be and are hereby required to preserve such notice and to bring and present, or otherwise transmit the same to the code enforcement division when answering to the charge set forth in such notice.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 5, 6-2-2008)

### **Sec. 66-30. Driving across sidewalk or bike path to cross private property, to cut corner or take shortcut.**

- (a) It should be unlawful for any person driving any vehicle to cross any sidewalk or bike path in the city for the ~~perpuse~~purpose of driving across any private property in order to cut corners or take short cuts ~~wether~~whether or not there shall be a driveway constructed across the sidewalk at the place of crossing. This section shall not render it illegal to cross any sidewalk at any place where a driveway has been constructed if the ~~perpuse~~purpose of entering private property is for the transaction of any lawful business thereon.
- (b) If any person shall so drive any vehicle across any sidewalk, or bike path the fact that he/she shall not bring the vehicle to a full stop upon the private property shall be prima facie evidence that he/she did not enter the private property for the purposes of transacting any lawful business thereon. Any person charged with the violation of this section may show by competent evidence that he/she entered the property for the purpose of transacting business thereon.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-31. Altering parking tickets.**

No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the parking violation notice of the city.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

**Sec. 66-32. Unlawful use of envelope accompanying notice.**

It shall be unlawful for any person to place in the envelope, provided with and accompanying a parking violation notice, any non-paper item or object. Paper items include the written notice, currency and checks.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

**Sec. 66-33. Schedule of penalties for parking violations.**

- (a) There is hereby adopted the following schedule of civil penalties for parking violations occurring within the city for which payment is to be made at the address listed on the parking violation.

No Parking	\$10.00
Improper Parking	10.00
Obstructing Traffic	20.00
Blocking Fire Hydrant	30.00
Designated Fire Lane	30.00
Removal of Booting Device	50.00
Parking by Disabled Permit	250.00

- (b) The penalties are to be paid within five working days of the date of issuance of the parking violation notice by either hand delivery or by mailing the payment penalty in an envelope affixed with proper postage to the address listed on the parking violation notice.

- (1) If such penalty is not paid within the five working days as above provided, the amount of the civil penalty shall be \$5.00 dollars greater than the amount specified for the parking violation as provided above, unless otherwise specified on the parking violation.

- (2) If such penalty is not paid within 30 calendar days as above provided, the amount of the civil penalty shall be \$10.00 greater than the amount specified for the parking violation as provided above, unless otherwise specified on the parking violation.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 6, 6-2-2008)

**Sec. 66-34. Pedestrian crossing on certain roadways or streets prohibited except in crosswalks.**

- (a) Pedestrians are prohibited from crossing a roadway in a commercially zoned district or any designated street listed in section 66-21(e) except on a crosswalk.

- (b) Pedestrians must cross at marked and unmarked crosswalks.

(Ord. No. 12-00, § 2, 8-7-2000; Ord. No. 23-01, § 1, 7-16-2001)

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**Sec. 66-35. Certain vehicles prohibited on city street, parking lots and pedestrian areas.**

Persons upon roller blades, skates, skate boards, coasters, and other toy vehicles are prohibited from riding on any street listed in section 66-21(e) public or commercial parking lot, or any commercial pedestrian area.

(Ord. No. 12-00, § 2, 8-7-2000; Ord. No. 23-01, § 1, 7-16-2001)

**Secs. 66-36—66-50. Reserved.**

***ARTICLE II. ABANDONED VEHICLES<sup>3</sup>***

**Sec. 66-51. Incorporation of definitions.**

All definitions, prohibitions, procedures and policies from article I, "Traffic and Parking Regulations," are hereby incorporated by reference into article II, "Abandoned Vehicles."

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-52. Enforcement.**

(a) Any building inspector, code compliance officer or duly constituted law enforcement officer may assist in the enforcement of this article.

(b) It is the intent of the city commission that the enforcing officer attempt to abate any violation of this article prior to the commencement of the appropriate legal proceedings.

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-53. Applicability of zoning regulations.**

Except as otherwise provided in this article, this article shall be cumulative and supplemental to any zoning ordinance or regulation currently in effect.

(Ord. No. 24-99, § 3, 11-2-1999)

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<sup>3</sup>Editor's note(s)—Ord. No. 24-99, § 3, adopted Nov. 2, 1999, repealed in their entirety §§ 66-51—66-79 pertaining to parking for the disabled. Further, said ordinance repealed §§ 66-91—66-103, in their entirety pertaining to abandoned vehicles. Also, said ordinance set out provisions pertaining to abandoned vehicles to read as herein set out. See the Code Comparative Table.



811 **Sec. 66-54. Definitions.**

812 The following words, terms and phrases, when used in this article, shall have the meanings  
813 ascribed to them in this section, except where the context clearly indicates a different meaning:

814 *Abandoned vehicles* means vehicles that are inoperative, wrecked, partially dismantled or  
815 otherwise mechanically incapable of being operated in their present condition or without current  
816 state license tag if required.

817 (Ord. No. 24-99, § 3, 11-2-1999)

818 **Sec. 66-55. Findings; declaration of nuisance.**

819 It is found by the city commission that abandoned vehicles are a public nuisance for the  
820 following reasons:

- 821 (1) Such vehicles, if stored in the open on private property, or if abandoned on public  
822 rights-of-way, can detract from the aesthetic quality of the surrounding neighborhoods  
823 and diminish the value of the adjacent properties.
- 824 (2) Such vehicles, if parked on a public right-of-way, can constitute a safety hazard by  
825 virtue of the obstruction to the free flow of traffic and give rise to other traffic hazards.
- 826 (3) Where such abandoned vehicles are on private property and stored in other than a  
827 completely enclosed garage, a health hazard may arise by virtue of the fact that such  
828 a vehicle can become a breeding place for disease-carrying insects and vermin.
- 829 (4) Abandoned vehicles constitute an abuse of the environment in that such vehicles are  
830 solid waste that pollute the land.

831 (Ord. No. 24-99, § 3, 11-2-1999)

832 **Sec. 66-56. Abandoned vehicles and other vehicles prohibited.**

833 All abandoned vehicles as described in section 66-54 or vehicles without a current state  
834 license tag, if required, shall be prohibited on any public right-of-way under any circumstances,  
835 or on private property except within a completely enclosed garage or when such vehicles are a  
836 permitted principal use or special exception in any zoning classification.

837 Vehicles greater than 10,000 pounds manufacturers gross vehicle weight or designed to  
838 carry 16 or more passengers or require a commercial driver's license (CDL) of any  
839 endorsement, shall be prohibited in any public right-of-way.

840 Mobile recreational shelters or vehicles, other camping type vehicles, boats, boat trailers,  
841 utility trailers, and other trailers shall be prohibited on any public right-of-way.

842 (Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-57. Wrecked, discarded, junked, abandoned, inoperative, discarded and/or partially dismantled vehicles and parts of vehicles prohibited.**

No person in charge or control of any property in the city, whether public or private property, whether as owner, tenant, occupant or otherwise shall allow any wrecked, discarded, junked, abandoned, inoperative, discarded and/or partially dismantled vehicle or parts of vehicles to remain in such property longer than five days, unless such vehicle is located in a fully enclosed (or capable of being fully enclosed) building such as a garage or shed. For the purposes of this section, a carport does not constitute an enclosed building.

This article shall not apply to vehicles located on the premises of a lawful business enterprise functioning in compliance with the laws of the State of Florida, County of Volusia and city, when such vehicles are necessary to the operation of such business enterprise. Such vehicles when used as signs or attention getting devices contrary to the city's sign ordinance shall not be deemed to be necessary to the operation of a business or enterprise.

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-58. Notice of removal and impoundment of vehicle removed from public property, city owned property and public rights-of-way.**

(a) The code enforcement compliance division, after taking possession of any motor vehicle pursuant to this chapter, shall furnish notice in accordance with this section by certified mail, return receipt requested, to the last known registered owner of the vehicle at the last known address of the owner, within 30 days of the date of impoundment of the vehicle, and shall provide by certified mail, a copy of the notice to the record owner (and occupant if different from the owner) of the property from which the vehicle is taken.

(b) Notice under this section shall contain the following information:

- (1) Year, make, model and serial number of the motor vehicle;
- (2) The name and address of the last known registered owner of the motor vehicle, if available;
- (3) The vehicle registration and the title registration number of the motor vehicle, if available;
- (4) The date on which the motor vehicle was removed;
- (5) The location from which the motor vehicle was removed;
- (6) The location at which the motor vehicle is being stored or, in the alternative, a number which to contact.

The notice shall also advise the persons to whom it is given that the person who is entitled to possession of the motor vehicle may reclaim it upon payment to the city or their agent, of all charges incurred by the city for the removal and storage of the motor vehicle. If such reclamation is not made within 90 days after date of notice, the right to reclaim the motor vehicle, shall be deemed to be waived and such persons shall be deemed to have consented to the disposition of the motor vehicle by the city. If the city is unable to identify properly the last

registered owner of any motor vehicle, or if unable to obtain with reasonable certainty the names and addresses of the owner or other interested parties, including lienholders, then sufficient notice shall be deemed given after publication of notice one time in a newspaper of general circulation in the Deltona area directed to all whom it may concern, setting forth the removal of such vehicle and notifying all interested persons that title to the vehicle will vest in the city unless in such 90-day period the vehicle is reclaimed and reasonable costs and storage charges are paid to the city. Such notice by publication may contain multiple listings of motor vehicles.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-59. Claim for vehicle; disposal of vehicle removed from public property, city owned property or public rights-of-way.**

No claim against the city for such removal or the value of such vehicle shall be valid unless presented in writing to the code enforcement division before the expiration of said 90 days. After said 90-day period, the board of the city commissioners of the city through the code enforcement division, may dispose of such vehicle, either by junking same or by sheriff sale or otherwise.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-60. Removal of vehicles on public property, city owned property and public rights-of-way.**

When a law enforcement or code enforcement officer ascertains that either a lost or abandoned vehicle is present on public property, the officer shall cause notice to be placed upon such vehicle, pursuant to Florida Statutes, Chapter 705.103 and section 66-58.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-61. Notice.**

When a vehicle is found on property in the city limits, and the vehicle is suspected of being in violation of this article, a law enforcement office or an officer of the code enforcement division shall place a notice upon such vehicle and shall ensure a copy is delivered or sent by mail to the owner or owners of the property upon which a vehicle is located. Said officer shall also contact, within 24 hours, the state department of highway safety and motor vehicles in order to determine the name and address of the owner of the vehicle and any person who has filed a lien on the vehicle. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lien holder, if any. Said notice shall state that the vehicle is on the property and appears to be in violation of the City of Deltona Code of Ordinances, Chapter 66, regulating Traffic and Vehicles.

Notice shall be in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes, and Chapter 66, Deltona Code of Ordinances. The owner will be liable for the

costs of removal, storage and publication of notice. Dated this: (setting forth the date of posting notice), signed: (setting forth name, title, address and telephone number of law enforcement officer).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

Signed:\_\_\_\_\_

Title:\_\_\_\_\_

Address:\_\_\_\_\_

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-62. Removal and impoundment of abandoned, wrecked, discarded, junked, inoperative, discarded and/or partially dismantled vehicles or parts of vehicles from public property, city owned property and public rights-of-way.**

In the event the property owner, or someone on his behalf, has not removed the vehicle described in the notice within ~~five days~~24 hours from the date of placing notice on the vehicle and delivery or mailing to the property owner, the code enforcement division shall cause the vehicle to be impounded and removed utilizing whatever staff, agents or contractors are necessary for removal.

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-63. Removal and impoundment of abandoned, untagged, wrecked, discarded, junked, inoperative, partially dismantled vehicles or vessels and/or part(s) for vehicle(s) or vessel(s) on private residential property and vacant lot(s).**

- (a) The owner or lessee of any real property, or any person authorized by the owner or lessee of any real property, may cause any vehicle or vessel parked on such real property without his permission to be removed by a person regularly engaged in the business of towing vehicle(s) or vessel(s). The vehicle or vessel shall be towed and stored pursuant to F.S. ch. 715.07.
- (b) The owner, lessee or other authorized person who caused the vehicle or vessel to be removed shall not be liable for the costs of removal, transportation, storage or damage to the vehicle or vessel caused by such removal, transportation or storage. Any person improperly causing a vehicle or vessel to be removed shall be liable for the aforementioned costs as well as attorney's fees and court costs, if any.
- (c) If the owner, lessee or authorized representative of the real property upon which a violation of section 66-56 exist, refuses or otherwise fails to remove or relocate, into a fully enclosed structure, an abandoned, untagged, wrecked, discarded, junked, inoperative, discarded, partially dismantled vehicle or vessel and/or part(s) for such vehicle(s) or vessel(s) then the City of Deltona shall be authorized to abate such items pursuant to the following procedure:

- (1) A notice of violation shall set forth the provision(s) of the City Code of Ordinances that is/are violated, the corrective action required, the reasonable time allowed for taking the corrective action, and state their right to request a hearing in writing.
- (2) The notice of violation shall be hand delivered or sent by certified mail to the landowner of the subject real property and posted on the vehicle or vessel which is the subject of the violation, if possible.
- (3) The notice of violation shall provide that failure to correct the violation(s) within the time allotted or to timely request a hearing in writing shall authorize the city's enforcement services director, or its authorized agent(s), to authorize a tow company to abate the violation by having the vehicle(s) or vessel(s), and/or part(s) thereof, towed and stored pursuant to F.S. § 715.07(2)(a) and authorize placement of a special assessment lien on the subject real property for all costs and fines.
- (4) After the abatement of the violation, the city's enforcement services director or designee shall notify the property owner by certified mail and posting the notice on the subject real property of the abatement action. Such notice shall state that the owner of the abated property has the right to reclaim the property by paying all fees, fines and costs incurred by the city and the authorized company which towed and stored the abated property. The notice shall include the name and address of the tow company where the abated property is being stored.
- (5) Any abated property shall become the responsibility of the wrecker company. If the property is not reclaimed by the property owner, such property shall be disposed of by the wrecker company as provided by law and the city shall not be responsible for such abated property nor the ultimate disposition of such property.
- (6) If a hearing is requested under this section, the hearing shall be held at the next regularly held special magistrate meeting following receipt of the written request for the hearing. The owner of the abated property shall be provided written notice of the date, time and place of the hearing after submitting a request for a hearing. If the special magistrate finds that a violation exists, the special magistrate has the authority to grant the owner of the abated property, or the subject real property where the violation occurred, additional time for corrective action.
- (7) The term "*property owner*" as used in this section, for the purpose of issuance of a notice of violation, shall be defined as the landowner of an owner-occupied property or vacant land, or the tenants of the occupied rental property. The intent is to provide notice of the violation to the individual(s) who have constructive or actual possession and control of the subject premises or property where the violation exists.
- (Ord. No. 24-99, § 3, 11-2-1999; Ord. No. 05-06, § 1, 4-17-2006)

**Secs. 66-64—66-74. Reserved.**

### ***ARTICLE III. TRAFFIC CALMING DEVICES AND MEASURES***

998     **Sec. 66-75. Adoption.**

999             The City of Deltona 'Residential Traffic Calming Handbook' is on file in the city clerk's office  
1000     and is adopted and by reference made a part of this article, including amendments thereto  
1001     which may be made by the city manager from time to time, as if set forth in this section.

1002     (Ord. No. 14-2007, § 1, 7-2-2007)

1003

# Chapter 66 TRAFFIC AND VEHICLES<sup>1</sup>

## ARTICLE I. TRAFFIC AND REGULATIONS<sup>2</sup>

### Sec. 66-1. Title.

This chapter in all its parts shall be known and may be cited as the "Deltona Traffic and Vehicles Ordinance".

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### Sec. 66-2. Scope and purpose.

This chapter shall be effective throughout the City of Deltona. The intent of the city commission in adopting this chapter is to establish reasonable and uniform regulations for traffic and parking within the city.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### Sec. 66-3. Definitions.

For the purposes of this chapter the following words and phrases shall have the meaning indicated unless the context clearly indicated otherwise:

*Abandoned vehicle* means any vehicle or parts of a vehicle which does not have an identifiable owner, and which has been disposed of on public or private property in a wrecked, junked, inoperative or partially dismantled condition.

*Alley* means a street or roadway intended to provide access to the rear or side of lots or buildings in urban districts and not intended for the purpose of through vehicular traffic.

*Arterial street* means any United States or State of Florida numbered route, controlled-access highway, or other major radial or circumferential street or highway designated by the local transportation plan as a thoroughfare street or as part of a major arterial system of streets or highways.

*Bicycle* means a vehicle propelled solely by human power, and every motorized bicycle propelled by a combination of human power and an electric helper motor rated at not more than 200 watts and capable of propelling the vehicle at a speed of not more than ten miles per hour on level ground upon which any persons may ride, having two tandem wheels, and including any device generally recognized as a bicycle though equipped with two front or two rear wheels. The term does not include such a vehicle with a seat height of no more than 25 inches from the ground when the seat is adjusted to its highest position or a scooter or similar device.

*Bikeway* means every way, including highways, which is publicly maintained, and which is in some manner specifically designated as open to public bicycle travel, regardless of whether

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the way is designated for exclusive use of bicycles or is to be shared with other transportation modes.

*Business district* means the territory contiguous to and including a highway when, within any 600 feet along such highway there are buildings in use for business or industrial purposes. This includes but is not limited to hotels, banks, office buildings, railroad stations and public buildings which occupy at least 300 feet of frontage on one side, or 300 feet, collectively, on both sides of the highway.

*Code Compliance Officer* means an officer having duty and responsibility for initiating enforcement proceedings of the various codes and ordinances of the city. This city official is charged by law with the authority to issue non-criminal parking citations pursuant to this article.

*Code Compliance Division* means the City of Deltona, Department of Code Compliance Services, and/or any other agency of the city designated by the city manager as having code compliance responsibilities.

*Commercial motor vehicle* means any vehicle which is not owned or operated by a governmental entity, which uses special fuel or motor fuel on the public highways, and which has a gross vehicle weight of 26,001 pounds or more, or has three or more axles regardless of weight, or is used in combination when the weight of such combination exceeds 26,001 pounds gross vehicle weight.

*Crosswalk* means (1) that part of the roadway included within the connections of the lateral lines of the sidewalks on opposite sides of the highway, measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; (2) in the absence of a sidewalk on one side of the roadway, the part of the roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

*Driver* means every person who drives or is in actual physical control of a vehicle.

*Emergency repair* means any vehicle which develops a mechanical defect after such vehicle has commenced to operate en route, making it unsafe or impossible to proceed further. In such an event, it shall be unlawful to stand or park the vehicle during the time necessary to make emergency repairs.

*Emergency vehicle* such fire department vehicles, police vehicles and ambulances as are publicly owned, and such other publicly or privately owned vehicles as are designated authorized emergency vehicles under the provisions of the state vehicle code.

*Enclosed buildings* mean a completely enclosed garage or shed. A carport is not considered an enclosed building for the purposes of this article.

*Gore area* means the painted triangular areas in parking areas or lots indicating the end of a parking row.

*Gross vehicle weight* means the weight of a vehicle with load, plus the weight of any load thereon.

*Hazardous materials* mean as defined in § 103 of the Hazardous Materials Transportation Act (49 App. U.S.C. 1801 et seq.).

*Highway, street, road* mean the entire width between the boundary lines of every way or place of whatever nature that is publicly maintained, when any part thereof is improved, designated or ordinarily used for purposes of vehicular traffic. The terms street, road, and highway are synonymous and interchangeable.



76        *Intersection* means (1) the area embraced within the prolongation or connection of the  
77 lateral curb lines, or right angles, or the area within which vehicles traveling upon different  
78 highways, joining at any other angle, may come in conflict; (2) where a highway includes two  
79 roadways 30 feet or more apart, then every crossing of each roadway of such divided highway  
80 by an intersecting highway shall be regarded as a separate intersection. In the event such  
81 intersecting highways also include two roadways 30 feet or more apart than every crossing of  
82 two roadways of such highways shall be regarded as a separate intersection.

83        *Law enforcement officer* means any officer authorized to direct or regulate traffic or to  
84 make arrest or issue citations for violations of traffic laws or ordinances.

85        *Loading zone* means a space reserved for the exclusive use of vehicles during the loading  
86 and unloading of passengers or property.

87        *Motor vehicle* or vehicle means any vehicle which is self-propelled, and every vehicle which  
88 is propelled by electric power obtained from overhead trolley wires, but not operated upon rails,  
89 except vehicles moved solely by human power and motorized wheelchairs.

90        *Official time* means when defining certain hours herein, eastern standard time or eastern  
91 daylight savings time, as may be in current use in the City of Deltona.

92        *Owner* means the requisite owner of a vehicle, as determined by the Florida Department of  
93 Highway Safety and Motor Vehicles or other appropriate agency of the several states.

94        *Park* or *parking* means the standing of a vehicle, whether occupied or not, otherwise than  
95 temporarily, for the purpose of and while actually engaged in, loading and unloading  
96 merchandise or passengers as may be permitted under this chapter.

97        *Passenger loading zone* means a place reserved for the exclusive use of vehicles while  
98 receiving or discharging passengers.

99        *Pedestrian* means any person afoot.

100       *Person* means any natural person, firm, partnership, association or corporation.

101       *Property* means any real or personal property within the city which is not a street or  
102 highway.

103       *Public service utilities* means truck equipment, trailers and vehicles used by public service  
104 utility companies engaged in repairing or extending public service utilities.

105       *Residence district* means the territory contiguous to and including a highway not  
106 comprising a business district when the property on such highway is in a residential zoning  
107 district, or for a distance of 300 feet or more, is in the main improved with residences, or  
108 residences and buildings in use for business.

109       *Right-of-way* means land dedicated, deeded or used as a street, alley, walkway, boulevard,  
110 highway, roadway, or for public utilities, drainage, access for ingress and egress or other public  
111 purposes.

112       *Roadway* means that portion of a highway improved, designed or ordinarily used for  
113 vehicular travel, exclusive of the sidewalk, berm or shoulder, even though such sidewalk, berm  
114 or shoulder is used by people riding bicycles or other human powered vehicles. In the event a  
115 street or highway includes two or more separate roadways, the term "roadway", as used herein,  
116 shall refer to any such roadway separately, but not to all such roadways collectively.

117       *Safety zone* or *parkway* means any area within a street or highway which is not open to the  
118 public for purposes of vehicular traffic, lying outside a roadway as herein defined. Also, the

roadside clear zone is defined in the Florida Department of Transportation (FDOT) Minimum Standards for Streets and Highways.

*Sidewalk* means that portion of a street between the curb lines, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

*Stand* or *standing* means the halting of a vehicle, whether occupied or not, other than temporarily, for the purpose of and while actually engaged in receiving or discharging passengers as may be permitted under this chapter.

*Stop* or *stopping* means when prohibited, means any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or official traffic control device.

*Through street* means every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield the right-of-way to vehicles on such through highway in obedience to stop sign, yield sign or other official traffic control device.

*Traffic* means pedestrians, ridden or herded animals, vehicles, streetcars and other conveyances, either singularly or together, while using any highway for purpose of travel.

*Traffic control signal/traffic control device* means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed. Any device indicating regulation of traffic, or whatsoever nature, within the City of Deltona.

*Urban district* means the territory contiguous to and including any street which includes structures devoted to business, industry or, dwelling houses situated at intervals of less than 100 feet for a distance of a quarter of a mile or more along said street.

*Vehicle* means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, including trailers, tractors, campers and recreational vehicles and excepting devices exclusively upon stationary rails or tracks.

All other definitions contained in F.S. ch. 316, not in conflict with the definitions of this section, shall be applicable and are incorporated herein by reference.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

Cross reference(s)—Definitions generally, § 1-2.

#### **Sec. 66-4. Prohibited vehicles.**

(a) It shall be unlawful for any person to operate a vehicle or load a vehicle exceeding eight feet in width or 15 feet of height on any of the streets of the city other than designated state roads, without a special permit from the Volusia County Sheriff's Department or city's police department upon creation of same.

(b) It shall be unlawful for any person to operate or park a vehicle within the city limits of Deltona without a current and valid license plate and validation sticker affixed to the license plate. This section is not intended to apply if the car is registered with a licensed car dealer operating at a business licensed for the sale of vehicles.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

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**Sec. 66-5. Manner of parking.**

Where parking is permitted by sign, no person shall park a vehicle in the roadway other than parallel with the edge of the roadway, headed in the direction of traffic, and with the curbside wheels of the vehicle within 12 inches of the edge of the roadway. However, on a street that has been marked or a sign erected for angle parking, vehicles shall be parked at the angle to the curb indicated by such mark or sign. If no sign is erected there shall be no parking on the roadway.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

**Sec. 66-6. Florida Uniform Disposition of Traffic Infractions Act  
adopted by reference.**

Chapter 318, Florida Statutes, known as the "Disposition of Traffic Infractions", is hereby adopted by the City of Deltona, Florida, and the matters and contents therein in *haec verba*, as fully and completely as if set forth herein.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

**Sec. 66-7. Unattended motor vehicle.**

- (a) No person driving or in charge of a motor vehicle shall permit it to park unattended with the ignition key in the vehicle, whether or not the motor is running or keyless.
- (b) Whenever any motor vehicle is found unattended the vehicle is in violation of this section, a Code Compliance Officer or law enforcement officer is authorized to remove such key from the vehicle and to have the vehicle towed.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

**Sec. 66-8. Stopping, standing and parking prohibited in specified  
places.**

No person shall stop, stand, or park a vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the directions of a law enforcement officer or traffic-control device:

- (1) On anything other than site-plan approved parking, including rear and sides of residential lots, except where vehicles are permitted by the city zoning ordinance to be parked in side or rear yards, provided they are stored in accordance with the requirements of the zoning ordinance;
- (2) On a sidewalk or bike path, or in such a manner that any part of such vehicle protrudes over a sidewalk or bike path area;
- (3) In front of a public or private driveway in a manner that obstructs the driveway or view of other vehicles from the driveway;
- (4) Within an intersection;

- (5) Within 15 feet of a fire hydrant;
- (6) On a crosswalk;
- (7) Within 20 feet of any crosswalk, unless permitted to do so by appropriate signs or devices posted in such areas;
- (8) Within 30 feet of any flashing beacon, stop sign, or other official traffic-control sign, unless a different length is indicated by signs or markings;
- (9) Between a safety zone and the adjacent curb, or within 30 feet of ends of a safety zone, unless a different length is indicated by signs or markings;
- (10) Within 20 feet of the driveway entrance to any fire station, or on the opposite side of the street near a fire station if prohibited by a sign;
- (11) On the roadway side of any vehicle stopped or parked at the edge or curb of a street or on the roadway end of any vehicle parked at an angle to the curb or street edge, except commercial vehicles engaged in loading or unloading from 2:00 a.m. to 7:00 a.m. only;
- (12) Upon any bridge or any elevated structure upon a highway or within a highway tunnel;
- (13) At any place where an official sign prohibits stopping, standing or parking;
- (14) Opposite of a dead-end or job street outside the central business district;
- (15) At any place in such a manner as to block access to commercial refuse containers by city authorized refuse removal equipment;
- (16) Alongside any curb which has been painted yellow, red or white, unless otherwise permitted by appropriate signs or devices posted by the city;
- (17) In any parking space specifically designated and marked for the disabled, unless such vehicle displays a parking permit, or license plate, as required by state law; or in such a manner as to block or obstruct a wheelchair ramp;
- (18) In any parking space marked "Parking for Assigned Personnel by Permit Only", unless such vehicles have affixed to the rear of said vehicle the appropriate decal issued by the city clerk's office;
- (19) In a designated bus stop or taxi cab stand, unless the vehicle is a bus or taxi cab respectively;
- (20) A person shall not park a vehicle upon private property, without the express or implied permission or invitation of the owner or person in control of the property. Permission or invitation to park on private property may be implied only when the vehicle is parked on the same lot or parcel of land or as a business establishment, and in a developed area that is normally used for parking by patrons or employees of that business, and only when the parking does not violate any parking restrictions clearly noted on a sign or signs in the area where the vehicle is parked;
- (21) In an area designated as a fire lane;
- (22) On any property owned or controlled by the city not designated for parking, excluding local streets in residential areas. Parking on streets designated as collector streets in the Deltona Comprehensive Plan is prohibited except in those areas that are designated for parking by official act of the city;

(23) In painted safety zones ,gore areas, or roadways within the city, except for emergency purposes. Any vehicle parked in such an area for more than two hours will be towed at the owner's expense pursuant to the provisions of this article;

(24) On the shoulders or medians of Interstate 4 and all state and county roadways within the city limits except for emergency purposes. Any vehicle parked on such a shoulder or median for more than 24 hours will be towed at the owner's expense pursuant to the provisions of this chapter;

(25) On a roadway except where a curb exists or in a cul-de-sac. Except that delivery vehicles, lawn service vehicles and other temporary commercial vehicles may park on a roadway for up to six hours when parked on a roadway while engaged in legitimate business activity;

(26) No parking of any vehicles on undeveloped or vacant parcels.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-9. Stopping, standing, or parking so as not to obstruct traffic.**

No person shall stop, stand or park any vehicle in the street in such a manner that leaves less than 24 feet of the width available for free movement of vehicular traffic. The width shall be measured at the curb face, or the edge of pavement where curbs are not present. This restriction shall not apply when a driver stops momentarily during the loading or unloading of passengers or when necessary in obedience to a traffic regulation, a traffic sign or signal, or a law enforcement officer.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-10. Parking prohibited by sign.**

No person shall park a vehicle at any place where an official sign or marking prohibits parking.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-11. Parking prohibited at all times on certain designated streets.**

When a sign is erected prohibiting parking, no person shall park a vehicle, at any time, upon any of the streets or portion of the streets as designated by the city.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-12. Overtime parking in parking zones.**

(a) It shall be unlawful for any person to cause, allow, permit any vehicle to be parked overtime or beyond the period of legal parking time, and any vehicle in any parking zone longer than the time limit fixed for such zone, by sign or ordinance, shall be considered illegally parked.

(b) It shall be unlawful to relocate a vehicle from one parking space within the same parking zone, or to relocate a vehicle temporarily from the same parking space, unless the vehicle

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has left the parking zone for an amount of time equal to or greater than the legal time limit for the parking fixed for such zone.

- (c) It shall be unlawful to roll the tires of a vehicle to remove or obscure, or attempt to remove or obscure, or to attempt to remove or obscure, the markings made by the parking enforcement personnel prior to removing the vehicle from the parking zone.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-13. Parking for certain purposes prohibited.**

No person shall stand or park a vehicle upon a public or private street or parking lot, or any other public property for the purposes of:

- (1) Displaying such vehicle or item towed by or placed upon such vehicle therein for sale, hire or rental;
- (2) Painting, greasing or repairing such vehicle, except repairs necessitated by an emergency;
- (3) Displaying advertising;
- (4) Selling merchandise from the motor vehicle, except in a duly established market place or when so authorized under the laws of the city.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-14. Stopping, standing or parking for loading only.**

No person shall stop, stand or park a vehicle in any place marked as a passenger zone for a period of time longer than the time indicated by signs or other appropriate marking or devices.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-15. Standing or parking of buses and taxicabs.**

The driver of a bus, or taxicab shall not stand or park upon any street, at any place other than a bus stop, or taxi stand, respectively. However, this provision shall not prevent the driver of such vehicle from temporarily stopping, in accordance with other stopping or parking regulations, at any place for the purpose of, and while actually engaged in, loading or unloading passengers.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-16. Parking on right-of-ways.**

For the purpose of this section, "right-of-way" is defined as that area from the property line to the edge of the pavement of a roadway, including any grassy or unpaved median between two paved areas. It shall be unlawful for any person to park any motor vehicle in or on the right-of-way unless a motor vehicle is parked headed in the direction of traffic. It shall be unlawful for any person to park any motor vehicle in or on a right-of-way whether occupied or not, except

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momentarily to pick up or discharge a passenger(s), or while actually engaged in loading or unloading merchandise.

*Exceptions:*

(1) Motor vehicles owned and operated by the city, by a public or private utility, or by the county, state or federal government when such vehicles are engaged in the performance of work by employees of said agencies in the course and scope of their employment. Ambulances used for necessary emergency service to the public, the operator of such vehicles being subject to call at all times of the day or night may also be parked where otherwise prohibited in the various zoning districts at the residence of such operator, but only one such vehicle may be so parked.

(2) Right-of-way areas which have been officially designated or posted by the city as permissible areas for parking.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 21-2007, § 1, 6-2-2008)

## **Sec. 66-17. Unlawful parking in spaces for disabled; penalties.**

Violation of either F.S. § 316.1955 " Enforcement of parking requirements for persons who have disabilities" or article I, section 66-8, subsection (17) of this article shall be punishable by a fine of up to \$250.00, and in accordance with the provisions of this Code, in addition to any other penalty which may be lawfully imposed under Florida Statutes.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-18. Restrictions on trucks and other vehicles.**

(a) No vehicles greater than 10,000 pounds manufacturer's gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any residential or agricultural zoning district except in areas on developed lots of five acres or more. Vehicles that are inoperable or that do not have a current and valid license plate and validation sticker affixed to the license plate are prohibited within the city, unless stored in a completely enclosed structure. For vehicles under 10,000 pounds GVWR that have been modified with equipment or attachments (such as utility beds, cranes, lifts, tanks, or racks) which increase the overall dimensions, height or functional weight of the vehicle, the City may enforce parking and storage restrictions as if the vehicle exceeds the 10,000 pound threshold. Verification of GVWR, CDL requirements, and registration status shall be confirmed through the Florida DAVID (Driver and Vehicle Information Database) system or manufacturer's compliance label.

(b) No vehicle greater than 10,000 pounds manufacturer's gross vehicle weight or designated to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement to operate shall be parked or stored in any commercial zoning district except vehicles parked for loading and unloading purposes only, vehicles that are parked at a business that are registered for use by the business and are necessary and appropriate for the operation of the business or any vehicle with written permission from the property

owner, manager or agent. Commercial vehicles under 10,000 pounds GVWR that have been modified with substantial equipment or attachments are subject to the same restrictions as vehicles exceeding 10,000 pounds GVWR. Verification shall be conducted through the DAVID system or manufacturer's compliance label.

- (c) No vehicle with external refrigeration units may operate said units when parked within the residential and agricultural zoning districts.
- (d) No back-up noise alarms may operate between the hours of 10:00 p.m. and 7:00 a.m.
- (e) No vehicles may be parked or stored in the front yard forward of the edge of the principal dwelling except on the approved driveway or driveway extension.
- (f) Except as provided in subsection (g) below, no commercial vehicle may be stored or parked in the front yard forward of the edge of the principal dwelling (to include approved driveways.) Vehicles under 10,000 pounds manufacturer's gross vehicle weight but greater than 21 feet in length and/or greater than ten feet in height or modified with equipment or attachments that increase their effective size, must be stored in the side or rear yard.
- (g) One commercial vehicle under 21 feet in length, under ten feet in height and with a gross vehicle weight of less than 10,000 pounds, or one limousine, shall be permitted to be parked or stored in a residential or agricultural area, in the driveway or approved driveway extension, side yard or rear yard, provided said vehicle does not obstruct the sidewalk or extend into the right-of-way. Trailers must be stored in the side or rear yard and must be parked in accordance with section 66-19. This exception does not apply to vehicles under 10,000 pounds GVWR that have been modified with substantial equipment or attachments that effectively increase the vehicle's functional weight, size or commercial impact. DAVID system verification shall be used to confirm compliance.
- (h) A maximum of ~~two~~ three vehicles may be parked in side or rear yards.
- (i) All vehicles parked or stored on property must be registered or assigned to the resident or their temporary guest.
- (j) Except as provided below, no vehicle repairs or maintenance shall be done at a location not zoned and properly licensed for vehicle repair activities. Vehicles may be repaired incidental to a primary use of a residential premises so long as the vehicle being repaired is owned by an occupant of the premises, and the registration of the vehicle must reflect the address at which the repairs or maintenance are being done. Such repairs and maintenance must be completed in less than eight hours, and may occur only between the hours of 7:00 a.m. to 7:00 p.m.
- (k) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.
- (l) Exclusions: Conversion vans with handicapped stickers whose corresponding licensed driver is a resident of the principal dwelling are specifically excluded from these standards. Sport-utility vehicles (SUV's) or pick-up trucks for personal use that have no commercial advertising and do not otherwise meet the definition of commercial vehicle may be parked in the driveway.
- (m) Notwithstanding any provision to the contrary, vehicles over 10,000 pounds equipped with accessibility devices (e.g., wheelchair lifts, etc.) shall be permitted in accordance with this Section if reasonably necessary for and/or related to the use of the subject property and shall not count against any vehicle storage maximums.



(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 12-00, § 2, 8-7-2000; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 21-2007, § 2, 6-2-2008; Ord. No. 10-2011, § 1, 6-20-2011)

## **Sec. 66-19. Recreational vehicles and mobile recreational shelters.**

- (a) Mobile recreational shelters and vehicles, other camping type vehicles excluding pickup covers when appropriately mounted on a vehicle, boats, boat trailers, utility trailers, and other trailers are permitted to be parked on any lot within the A, R1-R1AAA, R1B, RE1, RE5, RM1, RM2, the single- and two-family residential areas of RPUD, MPUD and the MH classifications provided the following conditions are met:
- (1) A maximum of three vehicles, with no more than one vehicle being a Class A, B or C motor home or fifth wheel recreational vehicle, may be parked in the side or rear yard. The total number of vehicles permitted may vary depending on the size of the lot, at the discretion of the zoning administrator. Vehicles shall have a current license plate or validation sticker, and the ground area beneath such vehicles shall be kept free from debris, including excessive weed growth.
  - (2) They may be temporarily parked in the driveway of the principal structure on the lot where they are located for trip preparation, loading, unloading and cleanup for a maximum of two days in a seven-day period.
  - (3) They shall not be parked or stored either within a public right-of-way, or within that portion of the lot lying across the full width of the lot between the front lot line and front most part of the principal structure, except as provided for by paragraph (2) above and paragraph (6) below.
  - (4) No sewage shall be permitted to escape from such vehicles onto a lot or street.
  - (5) Such vehicles shall not be connected to water or sewer lines or be used for residential purposes.
  - (6) Motor vehicles commonly referred to as vans that have been converted to a recreational vehicle by a licensed recreational vehicle manufacturer by installation of 110-volt electrical wiring, LP gas piping, or a plumbing system consisting of a permanently attached water using toilet facility may be parked in the driveway of the principal structure on a lot when the occupant of the principal structure has a disability which may require the above facilities to be incorporated in a motor vehicle, and if the occupants have received a handicapped parking decal from the State of Florida for the vehicle.
- (b) No vehicle or equipment shall be parked or stored in a manner which obstructs access to any door, window, or other entrance to or exit from the dwelling.
- (c) On corner lots, no vehicles or equipment shall be parked or stored in any part of the required side yard abutting any street unless parked or stored at least 20 feet from the street right-of-way.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 21-2007, § 3, 6-2-2008)

429 **Sec. 66-20. Residential parking.**

430 In the R, MF, and PB districts when used only for single- or two-family residential uses,  
431 motor vehicles shall not be parked anywhere within that portion of the lot lying across the full  
432 width of the lot between the front lot line and the front most part of the principal structure, except  
433 on approved driveways or driveway extensions. Automobiles and other permitted vehicles are to  
434 be parked in designated off-street parking areas for all other uses within these districts.

435 (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

436 **Sec. 66-21. Removal and impounding of illegally parked, abandoned**  
437 **or disabled vehicles.**

438 (a) Code Compliance Officers of the city who have received training in the issuance of traffic  
439 citations and in correcting parking offenses, or officers of the Volusia County Sheriff's  
440 Department, or the city's police department upon creation of same, are hereby authorized,  
441 upon their own volition or upon receiving a request from a Code Compliance Officer of the  
442 city, to remove any vehicle within the city, to a public garage or other place of safety, at the  
443 owner's expense, under the circumstances hereinafter enumerated:

444 (1) *When any vehicle is left unattended:*

- 445 a. On a sidewalk;
- 446 b. In front of a public or private driveway;
- 447 c. Within 15 feet of a fire hydrant or in a fire lane;
- 448 d. Within an intersection;
- 449 e. On a crosswalk;
- 450 f. Between a safety zone and the nearest curb or within 30 feet of points on the  
451 curb immediately opposite the ends of a safety zone, unless the city has  
452 indicated a different length;
- 453 g. In a space designated for emergency vehicles only;
- 454 h. Within 20 feet of a driveway entrance of fire station and, if prohibited by a sign,  
455 on the side of a street opposite such station;
- 456 i. Alongside or opposite any street excavation or obstruction when stopping,  
457 standing or parking would obstruct traffic and is prohibited by sign;
- 458 j. Any place where official signs prohibit parking, standing or stopping and the  
459 vehicle is obstructing traffic or otherwise creating a safety hazard;
- 460 k. In a city off-street parking facility for any period of time longer than 24 hours, or  
461 upon any street longer than 72 hours;
- 462 l. Upon any bridge, elevated structure, viaduct, causeway, tube or tunnel, where  
463 such vehicle is obstructing traffic or otherwise creating a safety hazard;
- 464 m. For more than two hours in a painted safety zone on roadways within the city;
- 465 n. For more than 24 hours on the shoulder or median of Interstate 4 or state  
466 roadways within the city limits;

- o. Parked and advertised for sale on any public property or public right-of-way after posting a warning on such vehicle at least 24 hours in advance of towing, or 12 hours if the vehicle is parked in violation of paragraph (d), or immediately when such vehicle for sale is parked on the I-4 right-of-way, or when such vehicle is obstructing traffic or otherwise creating a safety hazard.
- p. Vehicles greater than 10,000 pounds manufacturers gross vehicle weight or designed to carry 16 or more passengers, or requiring a commercial driver's license (CDL) of any endorsement may be towed immediately.
- q. Mobile recreational shelters and vehicles, other camping type vehicles, boats, boat trailers, utility trailers, and other trailers may be towed after 24 hours of posting on a vehicle.
- (b) When any vehicle is obstructing traffic or otherwise creating a safety hazard and the person in charge of the vehicle is absent, or by reason of physical injury or condition, in incapacitated to such an extent as to be unable to provide for its custody or removal.
- (c) When any vehicle is parked on any parking facility or area designated or used in connection with city, fire station or other facilities of the city violation of the posted signs and the permitted use.
- (d) When any vehicle remains stopped or parked on any property owned or controlled by the city, not designated for parking, for a period of longer than 12 hours.
- (e) A safety hazard is hereby declared by the city commission of the city to exist whenever all or any a portion of a vehicle is parked within the area occupied by the pavement of a road, street or alley, or within four feet of the curb on any of the following designated roads, or on the publicly owned right-of-way within ten feet of the edge of pavement of such roads when there is no curb. This paragraph applies to the following roads: Catalina Boulevard north of Howland Boulevard, Courtland Boulevard, Deltona Boulevard, Doyle Road/DeBary Avenue, Elkcarn Boulevard, Enterprise Road, Ft. Smith Boulevard, Howland Boulevard, Interstate Highway 4, India Boulevard, Lake Helen/Osteen Road, Lake Shore Drive, Newmark Drive between Ft. Smith Boulevard and Howland Boulevard, Normandy Boulevard, Providence Boulevard, Saxon Boulevard, State road 415, and Tivoli Street. This paragraph does not apply to areas designated and marked or signed by the city for parking along the herein listed roads.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-22. Removing, impounding and immobilization of vehicles bearing outstanding citations.**

The removal, impoundment and immobilization of vehicles bearing outstanding citations shall be done in accordance with Florida Statutes and as follows:

- (1) Any motor vehicles found parked at any time upon any street or in any off-street parking facility in the city against which there are five or more outstanding or otherwise unsettled parking violations notices for which no hearing has been requested within the requisite time period, and for which a notice of summons has been mailed, may by or under the direction of the Volusia County Sheriff's Department, city police department or Deltona Code Enforcement Division, be immobilized in such a manner as to prevent its operation. Immobilization of vehicles pursuant to this section shall be accomplished by means of a vehicle immobilization device or another non-destructive

device which prevents the vehicle from moving under its own power. Vehicles shall only be immobilized by means of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place.

- (2) If, after contacting the appropriate state agency which acts as custodian of vehicle registration and license tag records for the state from which the license tag attached to the motor vehicle was issued, the city code enforcement officer or Volusia County Sheriff's Department, or city police department is unable to determine the motor vehicle owner's address, the motor vehicle may be immobilized in accordance with the provisions of the preceding subsection 66-22(1), except it shall not be necessary for the city code enforcement officer or Volusia County Sheriff's Department to mail notice of summons before the motor vehicle may be immobilized.
- (3) It shall be the duty of the department or law enforcement officer immobilizing such motor vehicle, or under whose direction such vehicle is immobilized, to post on such vehicle, in a conspicuous place, notice sufficient to inform the owner or operator of the vehicle that:
  - a. Such vehicle has been immobilized pursuant to and by the authority of this article; and
  - b. The owner of such immobilized vehicle, or other duly authorized person, shall be permitted to repossess or to secure the release of the vehicle upon compliance with either of the following alternative procedures:
    1. Payment to the city of a service charge of \$50.00 for removal of the immobilization device; or
    2. Posting with the city of a cash or surety bond or other adequate security equal to the amount of \$50.00. If, during the hearing on the outstanding parking violation notices which necessitated the immobilization of the vehicle, the city prevails on any or all of the outstanding violations, the \$50.00 cash or surety bond shall be forfeited to the city.
- (4) The notice shall be signed by the law enforcement officer or the code enforcement officer and indicate his/her identification number.
- (5) It shall be unlawful for anyone, except those persons authorized by the city code enforcement officer, city police department, upon creation, or Volusia County Sheriff's Department, to remove or attempt to remove, tamper with, or in any way damage or alter the immobilization device.
- (6) Any vehicle immobilized as authorized under this article shall be subject to impoundment as authorized by Florida Statutes and the provisions of this article.
- (7) Impoundment of vehicles pursuant to this section shall be accomplished by means of removal of the vehicle to the nearest facility or other place of safety, or to a facility designated or maintained by the municipality. Such vehicle shall be impounded until lawfully claimed, and if not claimed within 30 days after it has been impounded by the city, it shall be disposed of in accordance with applicable ordinances, rules and regulations of the city. If any such vehicle is lawfully claimed, within the aforesaid time, it shall be released only upon payment in cash for all cost of impounding, including but not limited to, towing and storage as well as all payment in cash of all outstanding fines and citations.

557 **Sec. 66-23. Storage, costs and removal of impounded vehicles.**

558 When a vehicle is removed under this chapter, notice of storage and costs shall be sent to  
559 the vehicle owner within seven days via certified mail, return receipt requested, pursuant to the  
560 provisions of F.S. § 713.78.

- 561 (1) *Owner responsibility.* The cost of towing, booting or removing a vehicle impounded or  
562 immobilized under this section and the cost of storing the same or removing the  
563 immobilization device, shall be chargeable against the vehicle owner and shall be a  
564 lien upon the vehicle. The owner of the vehicle shall pay these charges and any  
565 outstanding parking tickets, administrative delinquency or collection fees owed, before  
566 the vehicle will be released. The vehicle shall be stored in a private place and the  
567 towing and/or storage charges shall be that which is set by the private towing  
568 company. All of such charges shall be the responsibility of the vehicle owner.
- 569 (2) *Notice to owner.* Upon taking possession of any vehicle, as provided in this section,  
570 the towing company shall follow guidelines set forth in F.S. § 715.05 regarding  
571 notification of owner, upon towing or removing a motor vehicle. Notification shall be by  
572 certified mail, return receipt requested, and shall notify the owner and all lien holders  
573 of the location of the vehicle and the fact that it is unclaimed. Notice shall be given  
574 within seven days, excluding Saturday and Sunday, from the date of storage and shall  
575 be complete upon mailing. If the state of registration is unknown, a good faith best  
576 effort to notify the owner shall be made, and such notice shall be given within a  
577 reasonable period of time from the date of storage.
- 578 (3) *Recovery.* The registered owner of a towed, impounded or immobilized vehicle shall  
579 be entitled to recover such vehicle only after making payment for the charges and  
580 expenses for the cost of towing or immobilizing such vehicle, plus the cost of storage  
581 and any outstanding parking tickets, administrative delinquency or collection fees  
582 owed of such vehicle herein specified. The registered owner of such vehicle shall be  
583 responsible for paying the charges and fine(s) as herein provided whether or not such  
584 registered owner was the person who unlawfully parked or left standing such vehicle  
585 and in each instance the Volusia County Sheriff's Department, city police department  
586 or code enforcement officer shall require payment of the sums herein provided for  
587 before restoring possession of such vehicle to the registered owner.
- 588 (4) *Sale of unredeemed vehicles.* If an impounded vehicle is not claimed and all charges  
589 paid within 30 days after a law enforcement officer or code enforcement officer has  
590 taken possession of such vehicle, an action may be commenced in the county court,  
591 or in any other court, by the city attorney in the name of the city, as plaintiff, and  
592 against the name of the owner, as defendant, for the amount of the charges due, plus  
593 attorney's fees and costs incurred in the action. Upon judgment being obtained in  
594 favor of the city, the vehicle may be levied upon and sold for the purpose of satisfying  
595 the judgment.

596 (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

597 **Sec. 66-24. Notice of owner's claim for loss or damage to immobilized**  
598 **vehicle.**

599 At the time of the release to owner of a vehicle immobilized under this chapter, the owner  
600 of such vehicle or other duly authorized person, shall inspect the vehicle and shall give a receipt

to the code enforcement officer, Volusia County Sheriff's Department, city police department, upon creation of same, or their appointee reciting any claims the owner has for loss or damage to the vehicle.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-25. Stopping, standing or parking in more than one space.**

Any person who stops, stands or parks a vehicle in more than one space allotted for stopping, standing or parking shall pay the appropriate fee or fines for the number of spaces utilized, as set forth in "schedule of penalties," article I, section 66-33.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-26. Fire lanes on private property devoted to public use.**

(a) Fire lanes shall be established by the fire marshal on private property, devoted to public use, where the parking of motor vehicles or other obstruction may interfere with ingress and egress of fire department vehicles for the protection of persons or property, such as shopping centers, bowling lanes, theaters, hospitals, churches, private alleys, and similar locations.

(b) Marking of fire lanes designated by the fire marshal shall be done by the owner or lessee of the private property. Fire lane pavement markings and signs shall be of a type and constructed to conform with the city's land development code and be furnished and erected by the owner or the lessee of the private property.

(c) Parking of motor vehicles within or otherwise obstructing of fire lanes shall be prohibited at all times.

(d) Any vehicle found parked in a fire lane shall be ticketed with a parking ticket, by the city. The fine for parking in a designated fire lane shall be \$30.00, with \$5.00 of that fine to be used for fire department training programs.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

## **Sec. 66-27. Liability for payment of parking ticket violations.**

Under authority of F.S. ch. 316, the owner of a vehicle is responsible and liable for payment of any parking violation under this ordinance unless the owner can furnish evidence that the vehicle was, at the time of the parking violation, stolen or in the care, custody or control of another person, or under lease. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the director of enforcement services, an affidavit setting forth the name, address and driver's license number of the person or company who leased, rented, or otherwise without authority had the care, custody or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle shall not be held responsible for parking violations for a vehicle which was stolen, under lease, or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. Prima facie evidence that the vehicle involved was, at the time, stolen, under lease, or in the care, custody or control of some person who did not have permission of

the owner to use the vehicle, shall be in the form of a report from the appropriate law enforcement official that the said vehicle was stolen or under lease or not under the care, custody or control of the owner of the vehicle.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 1, 6-2-2008)

### **Sec. 66-27.1. Parking violation notice.**

(a) Any law enforcement officer, code enforcement officer or other designated official is empowered to issue a parking violation notice (parking ticket/citation) upon personal observation of a violation or violations of the parking regulations set forth in this chapter.

(b) The provisions of this chapter are an additional and supplemental means of enforcing this chapter, and code compliance officers may elect to enforce this chapter as provided in chapter 2 of the Deltona Code of Ordinances, or in any manner not otherwise prohibited by state law.

(Ord. No. 24-99, § 1, 11-2-1999; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 2, 6-2-2008)

### **Sec. 66-27.2. Computer tracking of violations.**

The City of Deltona shall supply the Florida Department of Highway Safety and Motor Vehicles with a list of persons who have three or more outstanding parking violations, or one or more outstanding violations of F.S. §§ 316.1955, 316.1956, or any city ordinance which regulates parking in spaces for persons with disabilities. The information may be supplied to the Florida Department of Highway Safety and Motor Vehicles in any communications format approved by it or by state statute.

(Ord. No. 24-99, § 1, 11-2-1999; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 3, 6-2-2008)

### **Sec. 66-28. Procedure upon issuance; procedure upon non compliance with parking violations notice.**

(a) If any person, summoned by a parking violation notice affixed on a motor vehicle, does not respond to such notice within the time period specified on such notice, then the code enforcement officer shall assess the appropriate delinquent fee per violation against the registered owner of the motor vehicle.

(1) Payment of the fine indicated on the parking citation may be remitted to the City of Deltona pursuant to the instructions on the parking citation; or

(2) A hearing before the city's special magistrate may be requested by the person receiving such citation or by the vehicle's registered owner for the purpose of presenting evidence concerning a parking violation. Any person requesting a hearing shall execute, at Deltona City Hall, a form approved by the city indicating his or her willingness to appear at such hearing. Any person who requests a hearing will be summoned to appear at a hearing before the city's special magistrate. Any person who requests a hearing and does not appear in accordance with the summons shall waive the right to contest the parking violation.

- (b) An election to request a hearing on the parking violation notice constitutes a waiver of the right to pay the civil penalty indicated on the parking violation notice; and the city's special magistrate, after said hearing, upon making a determination that a parking violation has been committed, may impose an additional administrative fee in the amount of \$25.00 for each violation.
- (c) If there has been no response to the parking citation pursuant to subsection (a), the city shall cause the registered owner of the vehicle listed on the citation to be notified of the issuance of said citation. Such notification shall be sent by regular U.S. mail to the address given on the motor vehicle registration. Mailing the notice to the address constitutes notification. The notification shall inform the registered owner of the date and location of the parking violation and the amount due. If the registered owner of the vehicle has not paid the penalty after 30 days, the city shall undertake to collect the amount due by any means provided for by ordinance or by any other means provided for by law.
- (d) Submission to collection agency. Parking tickets remaining unpaid after 60 days shall be forwarded to a collection agency. Such collection fees shall be added to the unpaid balance.
- (e) Presumption as to driver of vehicle. In any proceeding, or in the collection of any fine for violation of this article, the registration plate displayed on the vehicle shall raise a presumption that the registered owner of the vehicle was the person who parked, placed or left the vehicle at the point where the violation occurred. This presumption may be rebutted by competent evidence.
- (f) A violation of this section 66-28 shall be deemed a separate and distinct violation and shall not be construed to be merged with or a part of the original parking violation.
- (Ord. No. 16-98, § 2, 5-3-99; Ord. No. 24-99, § 2, 11-2-1999; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 4, 6-2-2008)

## **Sec. 66-29. Failure to obey notice; alteration or destruction of notice prohibited.**

- (a) It shall be unlawful for the responsible party, as defined in section 66-27 to neglect to answer to the charge set forth in a parking violation notice affixed to a motor vehicle by a law enforcement officer or a code enforcement officer.
- (b) The notice referred to in subsection (a) of this section, a parking violation notice, is the property of the city before and after the serving, delivery and affixing thereof. All persons receiving any such notice in writing, whether by personal service or by affixing the same to a motor vehicle, shall be and are hereby required to preserve such notice and to bring and present, or otherwise transmit the same to the code enforcement division when answering to the charge set forth in such notice.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 5, 6-2-2008)

## **Sec. 66-30. Driving across sidewalk or bike path to cross private property, to cut corner or take shortcut.**

- (a) It should be unlawful for any person driving any vehicle to cross any sidewalk or bike path in the city for the purpose of driving across any private property in order to cut corners or



take short cuts whether or not there shall be a driveway constructed across the sidewalk at the place of crossing. This section shall not render it illegal to cross any sidewalk at any place where a driveway has been constructed if the purpose of entering private property is for the transaction of any lawful business thereon.

- (b) If any person shall so drive any vehicle across any sidewalk, or bike path the fact that he/she shall not bring the vehicle to a full stop upon the private property shall be prima facie evidence that he/she did not enter the private property for the purposes of transacting any lawful business thereon. Any person charged with the violation of this section may show by competent evidence that he/she entered the property for the purpose of transacting business thereon.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-31. Altering parking tickets.**

No person, whether the recipient thereof or otherwise, shall willfully throw away, alter, mar, mutilate, destroy or discard the parking violation notice of the city.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-32. Unlawful use of envelope accompanying notice.**

It shall be unlawful for any person to place in the envelope, provided with and accompanying a parking violation notice, any non-paper item or object. Paper items include the written notice, currency and checks.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-33. Schedule of penalties for parking violations.**

- (a) There is hereby adopted the following schedule of civil penalties for parking violations occurring within the city for which payment is to be made at the address listed on the parking violation.

No Parking	\$10.00
Improper Parking	10.00
Obstructing Traffic	20.00
Blocking Fire Hydrant	30.00
Designated Fire Lane	30.00
Removal of Booting Device	50.00
Parking by Disabled Permit	250.00

- (b) The penalties are to be paid within five working days of the date of issuance of the parking violation notice by either hand delivery or by mailing the payment penalty in an envelope affixed with proper postage to the address listed on the parking violation notice.

- (1) If such penalty is not paid within the five working days as above provided, the amount of the civil penalty shall be \$5.00 dollars greater than the amount specified for the parking violation as provided above, unless otherwise specified on the parking violation.

- (2) If such penalty is not paid within 30 calendar days as above provided, the amount of the civil penalty shall be \$10.00 greater than the amount specified for the parking violation as provided above, unless otherwise specified on the parking violation.

(Ord. No. 16-98, § 2, 5-3-99; Ord. No. 23-01, § 1, 7-16-2001; Ord. No. 32-2007, § 6, 6-2-2008)

### **Sec. 66-34. Pedestrian crossing on certain roadways or streets prohibited except in crosswalks.**

- (a) Pedestrians are prohibited from crossing a roadway in a commercially zoned district or any designated street listed in section 66-21(e) except on a crosswalk.

- (b) Pedestrians must cross at marked and unmarked crosswalks.

(Ord. No. 12-00, § 2, 8-7-2000; Ord. No. 23-01, § 1, 7-16-2001)

### **Sec. 66-35. Certain vehicles prohibited on city street, parking lots and pedestrian areas.**

Persons upon roller blades, skates, skate boards, coasters, and other toy vehicles are prohibited from riding on any street listed in section 66-21(e) public or commercial parking lot, or any commercial pedestrian area.

(Ord. No. 12-00, § 2, 8-7-2000; Ord. No. 23-01, § 1, 7-16-2001)

### **Secs. 66-36—66-50. Reserved.**

## ***ARTICLE II. ABANDONED VEHICLES<sup>3</sup>***

### **Sec. 66-51. Incorporation of definitions.**

All definitions, prohibitions, procedures and policies from article I, "Traffic and Parking Regulations," are hereby incorporated by reference into article II, "Abandoned Vehicles."

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-52. Enforcement.**

- (a) Any building inspector, code compliance officer or duly constituted law enforcement officer may assist in the enforcement of this article.

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<sup>3</sup>Editor's note(s)—Ord. No. 24-99, § 3, adopted Nov. 2, 1999, repealed in their entirety §§ 66-51—66-79 pertaining to parking for the disabled. Further, said ordinance repealed §§ 66-91—66-103, in their entirety pertaining to abandoned vehicles. Also, said ordinance set out provisions pertaining to abandoned vehicles to read as herein set out. See the Code Comparative Table.

(b) It is the intent of the city commission that the enforcing officer attempt to abate any violation of this article prior to the commencement of the appropriate legal proceedings.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-53. Applicability of zoning regulations.**

Except as otherwise provided in this article, this article shall be cumulative and supplemental to any zoning ordinance or regulation currently in effect.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-54. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned vehicles* means vehicles that are inoperative, wrecked, partially dismantled or otherwise mechanically incapable of being operated in their present condition or without current state license tag if required.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-55. Findings; declaration of nuisance.**

It is found by the city commission that abandoned vehicles are a public nuisance for the following reasons:

- (1) Such vehicles, if stored in the open on private property, or if abandoned on public rights-of-way, can detract from the aesthetic quality of the surrounding neighborhoods and diminish the value of the adjacent properties.
- (2) Such vehicles, if parked on a public right-of-way, can constitute a safety hazard by virtue of the obstruction to the free flow of traffic and give rise to other traffic hazards.
- (3) Where such abandoned vehicles are on private property and stored in other than a completely enclosed garage, a health hazard may arise by virtue of the fact that such a vehicle can become a breeding place for disease-carrying insects and vermin.
- (4) Abandoned vehicles constitute an abuse of the environment in that such vehicles are solid waste that pollute the land.

(Ord. No. 24-99, § 3, 11-2-1999)

### **Sec. 66-56. Abandoned vehicles and other vehicles prohibited.**

All abandoned vehicles as described in section 66-54 or vehicles without a current state license tag, if required, shall be prohibited on any public right-of-way under any circumstances, or on private property except within a completely enclosed garage or when such vehicles are a permitted principal use or special exception in any zoning classification.

Vehicles greater than 10,000 pounds manufacturers gross vehicle weight or designed to carry 16 or more passengers or require a commercial driver's license (CDL) of any endorsement, shall be prohibited in any public right-of-way.

Mobile recreational shelters or vehicles, other camping type vehicles, boats, boat trailers, utility trailers, and other trailers shall be prohibited on any public right-of-way.

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-57. Wrecked, discarded, junked, abandoned, inoperative, discarded and/or partially dismantled vehicles and parts of vehicles prohibited.**

No person in charge or control of any property in the city, whether public or private property, whether as owner, tenant, occupant or otherwise shall allow any wrecked, discarded, junked, abandoned, inoperative, discarded and/or partially dismantled vehicle or parts of vehicles to remain in such property longer than five days, unless such vehicle is located in a fully enclosed (or capable of being fully enclosed) building such as a garage or shed. For the purposes of this section, a carport does not constitute an enclosed building.

This article shall not apply to vehicles located on the premises of a lawful business enterprise functioning in compliance with the laws of the State of Florida, County of Volusia and city, when such vehicles are necessary to the operation of such business enterprise. Such vehicles when used as signs or attention getting devices contrary to the city's sign ordinance shall not be deemed to be necessary to the operation of a business or enterprise.

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-58. Notice of removal and impoundment of vehicle removed from public property, city owned property and public rights-of-way.**

(a) The code compliance division, after taking possession of any motor vehicle pursuant to this chapter, shall furnish notice in accordance with this section by certified mail, return receipt requested, to the last known registered owner of the vehicle at the last known address of the owner, within 30 days of the date of impoundment of the vehicle, and shall provide by certified mail, a copy of the notice to the record owner (and occupant if different from the owner) of the property from which the vehicle is taken.

(b) Notice under this section shall contain the following information:

- (1) Year, make, model and serial number of the motor vehicle;
- (2) The name and address of the last known registered owner of the motor vehicle, if available;
- (3) The vehicle registration and the title registration number of the motor vehicle, if available;
- (4) The date on which the motor vehicle was removed;
- (5) The location from which the motor vehicle was removed;
- (6) The location at which the motor vehicle is being stored or, in the alternative, a number which to contact.

The notice shall also advise the persons to whom it is given that the person who is entitled to possession of the motor vehicle may reclaim it upon payment to the city or their agent, of all charges incurred by the city for the removal and storage of the motor vehicle. If such reclamation is not made within 90 days after date of notice, the right to reclaim the motor vehicle, shall be deemed to be waived and such persons shall be deemed to have consented to the disposition of the motor vehicle by the city. If the city is unable to identify properly the last registered owner of any motor vehicle, or if unable to obtain with reasonable certainty the names and addresses of the owner or other interested parties, including lienholders, then sufficient notice shall be deemed given after publication of notice one time in a newspaper of general circulation in the Deltona area directed to all whom it may concern, setting forth the removal of such vehicle and notifying all interested persons that title to the vehicle will vest in the city unless in such 90-day period the vehicle is reclaimed and reasonable costs and storage charges are paid to the city. Such notice by publication may contain multiple listings of motor vehicles.

(Ord. No. 24-99, § 3, 11-2-1999)

#### **Sec. 66-59. Claim for vehicle; disposal of vehicle removed from public property, city owned property or public rights-of-way.**

No claim against the city for such removal or the value of such vehicle shall be valid unless presented in writing to the code enforcement division before the expiration of said 90 days. After said 90-day period, the board of the city commissioners of the city through the code enforcement division, may dispose of such vehicle, either by junking same or by sheriff sale or otherwise.

(Ord. No. 24-99, § 3, 11-2-1999)

#### **Sec. 66-60. Removal of vehicles on public property, city owned property and public rights-of-way.**

When a law enforcement or code enforcement officer ascertains that either a lost or abandoned vehicle is present on public property, the officer shall cause notice to be placed upon such vehicle, pursuant to Florida Statutes, Chapter 705.103 and section 66-58.

(Ord. No. 24-99, § 3, 11-2-1999)

#### **Sec. 66-61. Notice.**

When a vehicle is found on property in the city limits, and the vehicle is suspected of being in violation of this article, a law enforcement office or an officer of the code enforcement division shall place a notice upon such vehicle and shall ensure a copy is delivered or sent by mail to the owner or owners of the property upon which a vehicle is located. Said officer shall also contact, within 24 hours, the state department of highway safety and motor vehicles in order to determine the name and address of the owner of the vehicle and any person who has filed a lien on the vehicle. On receipt of this information, the law enforcement agency shall mail a copy of the notice by certified mail, return receipt requested, to the owner and to the lien holder, if any. Said notice shall state that the vehicle is on the property and appears to be in violation of the City of Deltona Code of Ordinances, Chapter 66, regulating Traffic and Vehicles.

Notice shall be in substantially the following form:

NOTICE TO THE OWNER AND ALL PERSONS INTERESTED IN THE ATTACHED PROPERTY. This property, to wit: (setting forth brief description) is unlawfully upon public property known as (setting forth brief description of location) and must be removed within 5 days; otherwise, it will be removed and disposed of pursuant to Chapter 705, Florida Statutes, and Chapter 66, Deltona Code of Ordinances. The owner will be liable for the costs of removal, storage and publication of notice. Dated this: (setting forth the date of posting notice), signed: (setting forth name, title, address and telephone number of law enforcement officer).

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_.

Signed: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-62. Removal and impoundment of abandoned, wrecked, discarded, junked, inoperative, discarded and/or partially dismantled vehicles or parts of vehicles from public property, city owned property and public rights-of-way.**

In the event the property owner, or someone on his behalf, has not removed the vehicle described in the notice within 24 hours from the date of placing notice on the vehicle and delivery or mailing to the property owner, the code enforcement division shall cause the vehicle to be impounded and removed utilizing whatever staff, agents or contractors are necessary for removal.

(Ord. No. 24-99, § 3, 11-2-1999)

**Sec. 66-63. Removal and impoundment of abandoned, untagged, wrecked, discarded, junked, inoperative, partially dismantled vehicles or vessels and/or part(s) for vehicle(s) or vessel(s) on private residential property and vacant lot(s).**

- (a) The owner or lessee of any real property, or any person authorized by the owner or lessee of any real property, may cause any vehicle or vessel parked on such real property without his permission to be removed by a person regularly engaged in the business of towing vehicle(s) or vessel(s). The vehicle or vessel shall be towed and stored pursuant to F.S. ch. 715.07.
- (b) The owner, lessee or other authorized person who caused the vehicle or vessel to be removed shall not be liable for the costs of removal, transportation, storage or damage to the vehicle or vessel caused by such removal, transportation or storage. Any person improperly causing a vehicle or vessel to be removed shall be liable for the aforementioned costs as well as attorney's fees and court costs, if any.

(c) If the owner, lessee or authorized representative of the real property upon which a violation of section 66-56 exist, refuses or otherwise fails to remove or relocate, into a fully enclosed structure, an abandoned, untagged, wrecked, discarded, junked, inoperative, discarded, partially dismantled vehicle or vessel and/or part(s) for such vehicle(s) or vessel(s) then the City of Deltona shall be authorized to abate such items pursuant to the following procedure:

- (1) A notice of violation shall set forth the provision(s) of the City Code of Ordinances that is/are violated, the corrective action required, the reasonable time allowed for taking the corrective action, and state their right to request a hearing in writing.
- (2) The notice of violation shall be hand delivered or sent by certified mail to the landowner of the subject real property and posted on the vehicle or vessel which is the subject of the violation, if possible.
- (3) The notice of violation shall provide that failure to correct the violation(s) within the time allotted or to timely request a hearing in writing shall authorize the city's enforcement services director, or its authorized agent(s), to authorize a tow company to abate the violation by having the vehicle(s) or vessel(s), and/or part(s) thereof, towed and stored pursuant to F.S. § 715.07(2)(a) and authorize placement of a special assessment lien on the subject real property for all costs and fines.
- (4) After the abatement of the violation, the city's enforcement services director or designee shall notify the property owner by certified mail and posting the notice on the subject real property of the abatement action. Such notice shall state that the owner of the abated property has the right to reclaim the property by paying all fees, fines and costs incurred by the city and the authorized company which towed and stored the abated property. The notice shall include the name and address of the tow company where the abated property is being stored.
- (5) Any abated property shall become the responsibility of the wrecker company. If the property is not reclaimed by the property owner, such property shall be disposed of by the wrecker company as provided by law and the city shall not be responsible for such abated property nor the ultimate disposition of such property.
- (6) If a hearing is requested under this section, the hearing shall be held at the next regularly held special magistrate meeting following receipt of the written request for the hearing. The owner of the abated property shall be provided written notice of the date, time and place of the hearing after submitting a request for a hearing. If the special magistrate finds that a violation exists, the special magistrate has the authority to grant the owner of the abated property, or the subject real property where the violation occurred, additional time for corrective action.
- (7) The term "*property owner*" as used in this section, for the purpose of issuance of a notice of violation, shall be defined as the landowner of an owner-occupied property or vacant land, or the tenants of the occupied rental property. The intent is to provide notice of the violation to the individual(s) who have constructive or actual possession and control of the subject premises or property where the violation exists.

(Ord. No. 24-99, § 3, 11-2-1999; Ord. No. 05-06, § 1, 4-17-2006)

**Secs. 66-64—66-74. Reserved.**

### **ARTICLE III. TRAFFIC CALMING DEVICES AND MEASURES**

972 **Sec. 66-75. Adoption.**

973       The City of Deltona 'Residential Traffic Calming Handbook' is on file in the city clerk's office  
974 and is adopted and by reference made a part of this article, including amendments thereto  
975 which may be made by the city manager from time to time, as if set forth in this section.

976 (Ord. No. 14-2007, § 1, 7-2-2007)

977